

Memorandum to Mr. Gallagher
RE: MURKIN

or objects causing the damage were larger than a bullet of .30 caliber size and irregular in size as all of the yarns were broken, not cut. One or more segments of bone could not be eliminated as the cause of the damage."

ALLEGATION: The FBI knew there was no mark on the windowsill from which Ray was said to have fired the rifle.

FACT: Examination of the bathroom from which the shot was fired revealed that the bathroom window was jammed open to a height of about 3". Lt. J. D. Hamby, Homicide Bureau, Memphis Police Department, removed the windowsill because the sill "... appeared to have a recently made indentation."

The FBI Laboratory report of the examination of the windowsill dated 4/11/68, stated that the board bears a recent dent which could have been caused by a light blow from the muzzle of a weapon. The dent contains microscopic marks of the type which could be produced by the side of the barrel at the muzzle but insufficient marks for identification were left on the board due to the physical nature of the wood.

ALLEGATION: Weisberg stated that he had asked for the results of any spectrographic analysis of the bullet which killed Dr. King and was told there was none. Under his FOIA suit, he obtained such an analysis.

FACT: Under FOIA, Mr. Weisberg did request numerous material pertaining to this investigation, including the results of any spectrographic analyses.

The FBI denied this request by letter dated 6/27/73, and based this denial on the fact that James Earl Ray has an appeal pending in the U. S. 6th Circuit Court of Appeals. This denial was reversed by the Deputy Attorney General.

In his letter dated 12/1/75, Deputy Attorney General Tyler modified the denials for material by the FBI and stated, in error, that "... analyses were made only on the clothing of Dr. King at the time of his death."

The erroneous information furnished to Weisberg concerning the spectrographic analysis of the bullet came from the letter of the Deputy Attorney General to Weisberg and not from this Bureau.

ACTION: None. For information.

Assoc. Dir. _____
 Dep. AD Adm. _____
 Dep. AD Inv. _____
 Asst. Dir.:
 Admin. _____
 Comp. Syst. _____
 Ext. Affairs _____
 Files & Com. _____
 Gen. Inv. _____
 Ident. _____
 Inspection _____
 Intell. _____
 Laboratory _____
 Legal Coun. _____
 Plan. & Eval. _____
 Spec. Inv. _____
 Training _____
 Telephone Rm. _____
 Director Sec'y _____

LAWN

UP-050

(KING ASSASSINATION)

WASHINGTON (UPI) -- A PRIVATE INVESTIGATOR WHO SUED TO OBTAIN DOCUMENTS UNDER THE FREEDOM OF INFORMATION ACT SAID TODAY THEY SHOW FEDERAL OFFICIALS LIED AND CONTRADICTED THEMSELVES ABOUT THE ASSASSINATION OF MARTIN LUTHER KING JR.

THE CIVIL RIGHTS LEADER WAS SLAIN IN 1968 IN MEMPHIS. JAMES EARL RAY PLEADED GUILTY IN 1969 TO THE SLAYING AND WAS SENTENCED TO 99 YEARS IN PRISON.

HAROLD WEISBERG, WHO SAID HE HAS INVESTIGATED THE SLAYING FOR SEVEN YEARS, CHARGED THAT LAW ENFORCEMENT UNITS "FROM TENNESSEE TO THE DEPARTMENT OF JUSTICE" HID EVIDENCE AND "CONTRIVED" THE STORY THAT RAY WAS A "LONE, UNASSISTED ASSASSIN."

UNDER THE NEW FREEDOM OF INFORMATION ACT, WEISBERG SUED THE JUSTICE DEPARTMENT AND OBTAINED SOME OF THE KING CASE EVIDENCE.

AT A NEWS CONFERENCE TODAY, ARRANGED BY REP. JOHN CONYERS JR., D-MICH., WEISBERG SAID HE FOUND A REPORT THAT MARKS ON KING'S CLOTHING COULD NOT BE MATCHED TO ANY POSSIBLE EFFECT OF THE BULLET THAT WAS SAID TO HAVE KILLED KING. WEISBERG CHARGED THE FBI KNEW THERE WAS NO MARK ON THE WINDOWSILL, FROM WHICH RAY WAS SAID TO HAVE FIRED, THAT COULD BE MATCHED TO THE RIFLE.

WEISBERG ALLEGED THAT HE ASKED FOR ANY SPECTROGRAPHIC ANALYSIS, WHICH WOULD HAVE SHOWN THE EXACT MAKEUP OF THE SUSPECTED DEATH BULLET, AND WAS TOLD THERE WAS NONE. UNDER HIS SUIT HE OBTAINED SUCH AN ANALYSIS, HE SAID.

UPI 12-11 11:47 AES

WASHINGTON CAPITAL NEWS SERVICE

Mr. Gallagher

12/9/75

J. S. Peelman

MURKIN

1 - Mr. Adams
1 - Mr. Gallagher
1 - Mr. O'Connell
1 - Mr. Peelman
1 - Mr. Lawn
1 - Mr. Moore
1 - Mr. Wannall

This is the case involving the murder of Martin Luther King, Jr., in Memphis, Tennessee, in April, 1968.

On 12/8/75, this Bureau was advised that the Department was sending Departmental Attorneys Stephen Horn and Jerome Niedemeier to Calgary, Alberta, Canada, to interview an inmate at Calgary, C. H. Andrews, pertaining to captioned matter. A previous memorandum was prepared concerning Andrews dated 11/28/75, based upon an article which appeared in "The Washington Post," dated 11/28/75. This article indicated, in part, that C. H. Andrews could furnish pertinent information pertaining to the assassination of Martin Luther King, Jr.

On 12/9/75, Deputy Associate Director James B. Adams advised that Mr. Pottinger, Assistant Attorney General, Civil Rights Division, interposed no objection to having a Special Agent of this Bureau accompany Departmental Attorneys Horn and Niedemeier during this interview of Andrews.

SAC, Denver, Theodore P. Rosack, was furnished the background data concerning Andrews and the identities of the Departmental attorneys. SA Rosack indicated that SA Robert S. Payne, Denver Division, would be briefed and would then immediately depart from Denver via Western Flight 480 to arrive at Calgary at 1:05 p.m., this date.

This information was furnished to Section Chief Kolombatovic, Liaison Section, who forwarded this information to the Royal Canadian Mounted Police.

Mr. Pottinger's Office advised Supervisor John C. Lawn that Departmental Attorneys Horn and Niedemeier had been advised that SA Payne would accompany them and that this information was also conveyed to the warden, Calgary Prison.

ACTION: None. For information.

JCL:bap (8)

12/9/75

AIRTEL

AIR MAIL

TO: DIRECTOR, FBI (44-3886)
FROM: SAC, BUFFALO (44-374) (C)
MURKIN

Re Buffalo nitel dated 11/28/75 relating to newspaper publicity, etc., at Toronto, Ontario, Canada concerning efforts to reopen investigation of Dr. KING's death in the United States. Re nitel reflected that one HAROLD KIRK of Toronto was to be interviewed by the Metropolitan Toronto Police Department (MTPD), Toronto since he reportedly had information relating to a former cellmate at Mimico Correctional Institute, identified as CLIFFORD H. ANDREWS, aka R. L. WARREN. As noted in referenced nitel ANDREWS, according to Toronto newspaper publicity reportedly could testify as to his participation in the plot to assassinate Dr. KING.

On 12/3/75, Staff Sgt. GERALD A. STEVENSON, Homicide Squad, MTPD, advised he had been responsible for an investigation in Toronto which led to HAROLD KIRK's subsequent incarceration at Mimico and that KIRK, probably because he remembered STEVENSON's name called the Homicide Squad at approximately 3:15 p.m. on 11/28/75 at which time he made reference to the KING newspaper publicity and asked to be interviewed.

Sgt. STEVENSON advised that he interviewed KIRK later on that afternoon at Mimico and that he apparently intended to impress STEVENSON with his importance due to his former association with CLIFFORD H. ANDREWS.

2 - Bureau (AM)
1 - Buffalo
WJC:cdm
(3)

STEVENSON characterized KIRK as a prolific check passer in the past and a "con man". KIRK claimed that he first met ANDREWS while in the hospital ward at Mimico in July, 1975 at which time he made various statements, exact details unrecalled, relating to the KING assassination. It was not until KIRK read the newspaper publicity re ANDREWS on 11/28/75 that he felt that there might be some substance to ANDREWS claim to have some knowledge of the alleged plot to assassinate Dr. KING.

KIRK recalled that ANDREWS had told him he was in need of money to return to the United States and that he had also asked KIRK regarding the location of an individual in Toronto from whom he might obtain money. KIRK had no knowledge if ANDREWS had been successful in contacting this person in Toronto following ANDREWS release from Mimico.

Summing up the contact with KIRK, Staff Sgt. STEVENSON was of the opinion that he, KIRK, had nothing positive to furnish relating to an alleged assassination plot based on conversations he had with ANDREWS previously.

As previously reported in referenced nitel, ANDREWS reportedly was released from Mimico on 9/30/75. In this regard, Inspector GEORGE SELLAR (NA), Homicide Squad, MTPD, Toronto, advised 12/9/75 as follows:

The 12/5/75 edition of the "Toronto Star," a Toronto daily newspaper, contained an article captioned, "Cited in King Case, Jailed Canadian Says He Knows Nothing," and was datelined Calgary, Alberta. This article made reference to ANDREWS, identifying him as CLIFFORD HOLMES ANDREWS, formerly of the Southampton, Port Elgin area of Ontario, as presently being incarcerated for a three month period at the Calgary Correctional Institute, after being convicted of car theft. Reportedly, the institute's warden, identified as TERENCE DOWNIE, was quoted in the article as saying ANDREWS told him that he did not know anything about the assassination of Dr. KING and further that he did not wish to be interviewed by anyone concerning it.

BU 44-374

An additional article regarding this matter appeared in the 12/6/75 edition of the "Toronto Star," wherein the warden of Calgary said that ANDREWS actually was serving only one month in prison there and that it was expected he would be released around 12/10/75. This article, along with other things, pointed out that prison records, not further identified, revealed that ANDREWS was in jail in Sudbury, Ontario, on the day that Dr. MARTIN LUTHER KING was assassinated in April, 1968.

No further action being taken.

Copies of this communication, as well as referenced Buffalo nitel, being furnished to Memphis (office of origin) by routing slip for inclusion their file.

Civil Rights Division

12/9/75

MURKIN
CIVIL RIGHTS

ny

11/10/75

12/2/75

XXXXXXXXXXXXXXXXXXXX
Cincinnati

an LHM

x F. JCL/jet

1

12/2/75

AIRTEL

TO : DIRECTOR, FBI (44-38861)
FROM : SAC, CINCINNATI (157-1893) (P)
SUBJECT: MURKIN

Re CI airtel and LHM to the Bureau, 11/4/75.

Enclosed for the Bureau are six copies of an LHM captioned "JAMES EARL RAY". Enclosed for Memphis are two copies of the same LHM.

Information furnished in the enclosed LHM was obtained from records at the U. S. Court of Appeals, Sixth Circuit, Cincinnati, Ohio, by SC DWIGHT H. VOGEL.

Cincinnati will maintain contact with the U. S. Court of Appeals in this matter.

2 - Bureau (Enc. 6)
2 - Memphis (44-1987) (Enc. 2)
2 - Cincinnati

DHV:rbh
(6)



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No.

Cincinnati, Ohio
December 2, 1975

Re: JAMES EARL RAY

On December 1, 1975, Grace Keller, Chief Deputy Clerk, United States Court of Appeals, Sixth Circuit, Cincinnati, Ohio, advised an employee of the Federal Bureau of Investigation, (FBI), that the following additional entries were recorded on Docket Number 75-1795:

November 21, 1975	Motion of Appellee for delayed filing of brief (Granted)
November 21, 1975	Eight copies of Brief for Appellee, with proof of service
November 24, 1975	Eight copies of Appendix

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

- 1* -



15

MURKIN GENERAL TICKLER vol. 1

MURKIN
GENERAL TICKLER

Routing Slip
FD-4 (Rev. 12-22-69)

6/1/76

To: ☐ Director

Date
BU 44-38861

Att.: Mr. HELTERHOFF

FILE

ME 44-1987

Room 5131

Title MURKIN

☐ SAC _____

☐ ASAC _____

☐ Supv. _____

☐ Agent _____

☐ SE _____

☐ IC _____

☐ CC _____

☐ Steno _____

☐ Clerk _____

☐ Rotor #: _____

ACTION DESIRED

☐ Acknowledge

☐ Assign _____ Reassign _____

☐ Bring file

☐ Call me

☐ Correct

☐ Deadline _____

☐ Deadline passed

☐ Delinquent

☐ Discontinue

☐ Expedite

☐ File

☐ For information

☐ Handle

☐ Initial & return

☐ Leads need attention

☐ Return with explanation or notation as to action taken.

☐ Open Case

☐ Prepare lead cards

☐ Prepare tickler

☐ Return assignment card

☐ Return file

☐ Search and return

☐ See me

☐ Serial # _____

☐ Post ☐ Recharge ☐ Return

☐ Send to _____

☐ Submit new charge out

☐ Submit report by _____

☐ Type

Re Bureau telephone call to Memphis,
6/1/76.

Attached are copies of documents requested
in re telephone call.

SAC

JH/JP
JOSEPH H. TRIMBACH

See reverse side

Office

MEMPHIS

CONFIDENTIAL

NATIONAL POLICE AGENCY

2-1, 2-Chome, Kasumigaseki
Chiyoda-ku, Tokyo
Japan

"J-NCB/278/68"

Mr. Roderick V. Precht, Jr.
Legal Attache
American Embassy
Tokyo



INTERPOL
NATIONAL CENTRAL BUREAU

Telegraphic Address:
"INTERPOLJAPAN TOKYO"

TOKYO, June 10, 1968.

COPY

Re: Information about a pistol
"Liberty-Chief" No. 715

Dear Sir;

In reply to your telephone request made this morning concerning the captioned matter, we wish to inform you as follows:

1. Destination of this weapon's shipment:

This pistol in question was shipped from the manufacturing company given below on August 3, 1966, and was cleared by our Customs' inspection on August 19, 1966 and was loaded on the "HAVANA-MARU" at "SUMA-PORT" in Hyogo Prefecture for shipment to:
Name of a company : LIBERTY ARMS CORPORATION.
Address: P.O. BOX. 306, MONTROSE, CALIFORNIA, U.S.A.

2. Items for your reference:

The name of this weapon's manufacturing company is "KABUSHIKI KAISHA, MIROKU SEISAKUSHO" (translated in English : MIROKU MANUFACTURING COMPANY LTD.).
Address: 180, INARI-CHO, KOCHI-CITY, KOCHI PREFECTURE, JAPAN.
Name of the President: IDO Chiyoki.

Trusting the above information is of some assistance to you.

Yours sincerely,

for HEAD, NCB, JAPAN:

CONFIDENTIAL

NATIONAL POLICE AGENCY

1/1, 2-Chome, Kasumigaseki
Chiyoda-ku, Tokyo
Japan

"J-NCB/ 278/68"

Mr. Roderick V. Prechtel, Jr.
Legal Attache
American Embassy
Tokyo

INTERPOL
NATIONAL CENTRAL BUREAU

Telegraphic Address:
"INTERPOLJAPAN TOKYO"

TOKYO, June 10, 1968.

Re: Information about a pistol
"Liberty-Chief" No. 715

Dear Sir;

In reply to your telephone request made this morning concerning the captioned matter, we wish to inform you as follows:

1. Destination of this weapon's shipment:
This pistol in question was shipped from the manufacturing company given below on August 3, 1966, and was cleared by our Customs' inspection on August 19, 1966 and was loaded on the "HAVANA-MARU" at "SUMA-PORT" in Hyogo Prefecture for shipment to:
Name of a company : LIBERTY ARMS CORPORATION.
Address: P.O. BOX. 305, MONTROSE, CALIFORNIA, U.S.A.
2. Items for your reference:
The name of this weapon's manufacturing company is "KABUSHIKI KAISHA, MIROKU SEISAKUSHO" (translated in English : MIROKU MANUFACTURING COMPANY LTD.).
Address: 180, INARI-CHO, KOCHI-CITY, KOCHI PREFECTURE, JAPAN.
Name of the President: IDO Chiyoki.

Trusting the above information is of some assistance to you.

Yours sincerely,

for HEAD, NCB, JAPAN:

Original Resea
Colonel I

Director, FBI (44-38861)

6/13/68

Legat, Tokyo (173-1) (P)

MURKIN

(OO: Memphis)

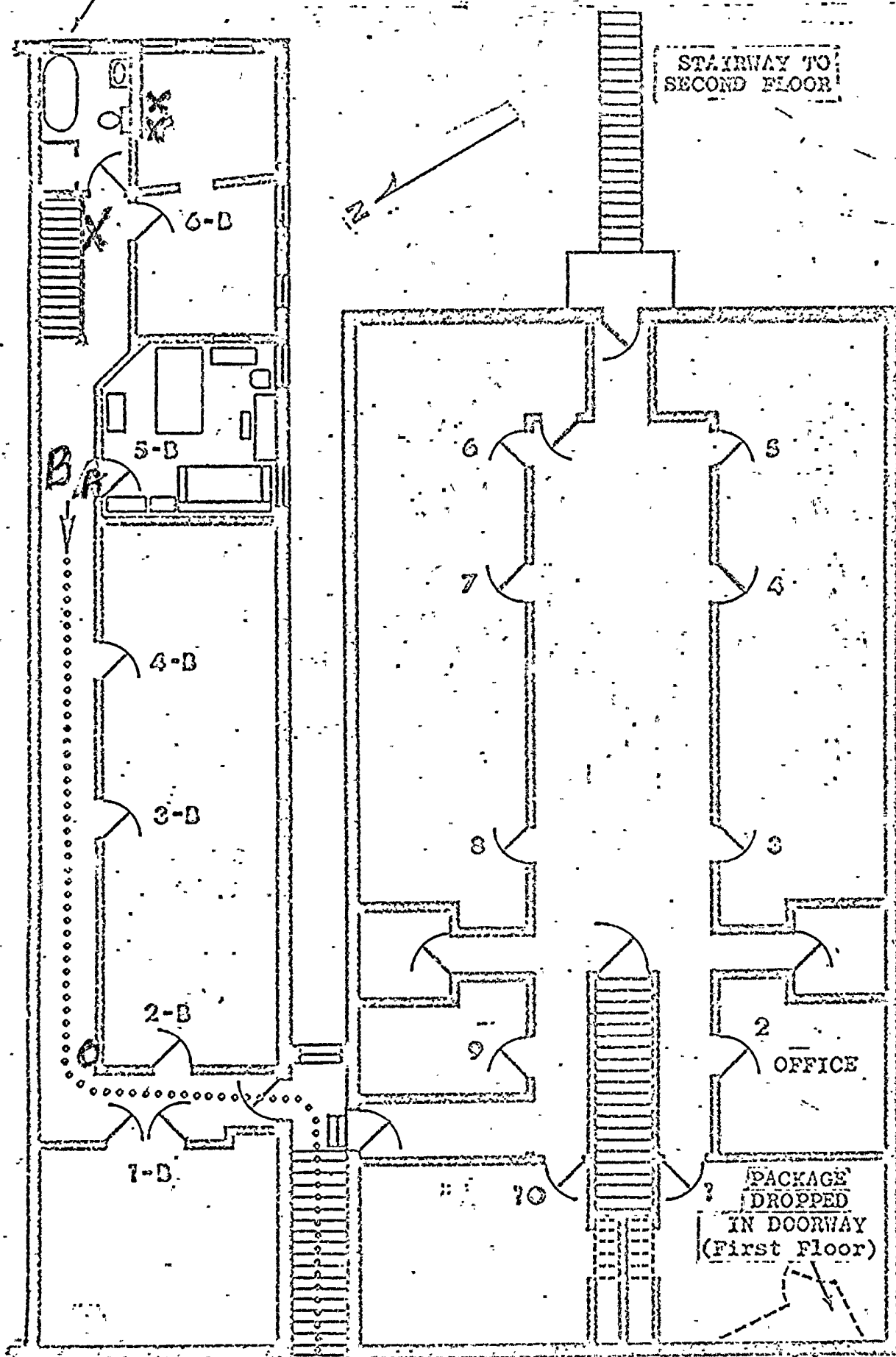
Remycab 6/9/68.

Enclosed are five copies of National Police Agency of Japan letter dated 6/10/68, containing results of National Police Agency's investigation concerning the revolver in question.

7 - Bureau (Encs. 5)
 (2 - Los Angeles)
 (2 - Memphis)(44-1987)
 (1 - Liaison Section)
1 - Tokyo
RVP:iw
(8)

BATHROOM WINDOW
FROM WHERE
SHOT WAS FIRED

SECOND FLOOR of ROOMING HOUSE



418-420

422

422 1/2

424

NORTH ENTRANCE
(stairway)
TO ROOMING HOUSE

SOUTH ENTRANCE
(stairway)
TO ROOMING HOUSE

[S. MAIN ST.]

Charles R. Rutterman

1 Xerox from Bu, 8-6-73, ple

AFFIDAVIT

STATE OF TENNESSEE)
COUNTY OF SHELBY) ss:

I, Charles Quitman Stephens, being duly sworn, depose and say:

1. I am 46 years old and right now I have no fixed address. From March of 1967 until June of 1968, I lived at 422½ South Main Street, Memphis, Tennessee. On April 4, 1968, my common-law wife and I were living there in Apartment 6-B. The floor plan attached hereto and marked Exhibit I, the original of which I have signed, is a good likeness of the relationship of the rooms on the second floor, which was my floor.

2. Mrs. Bessie Brewer was the resident manager of the rooming house. At about 4:00 p.m., or a little later, on April 4, 1968, I thought I heard Mrs. Brewer's voice in the hall and I went out of my apartment to speak to her about the hot-water heater I had been working on. From the banister of the back stairs near my apartment door I saw her and a man standing in the hallway near the entrance to Room 5-B, which is just down the hall from my bedroom. I did not recognize the man with Mrs. Brewer and I assumed he was a new guest looking at the room. The man was looking into the room near the doorway and I got a glimpse at him from his left side. I have marked on the diagram the letter "A" where the man was standing, the letter "B" where Mrs. Brewer was standing, and the letter "X" where I was standing.

3. On April 24, 1968, I looked at FBI Wanted Flyer 442-A, and I identified the profile photograph on the left as looking very much like the man I saw looking at Room 5-B on the afternoon of April 4, 1968. A duplicate of that Wanted

Flyer, which I have signed, is attached and identified as Exhibit IX. I now re-examine the photograph and reaffirm that identification. I also now examine another profile photograph, which appears to be a smaller copy of the one in the flyer, and affirm that it looks very much like the man I saw looking at Room 5-B on the afternoon of April 4, 1968. This photograph is attached and identified as Exhibit XII, and I have signed it. The pointed nose and chin are the principal features that stand out in my identification of the man pictured in Exhibit IX as the man I saw with Mrs. Brewer looking into Room 5-B on April 4, 1968.

4. My wife and I spent the rest of the afternoon in our apartment. I am a disabled war veteran who has been treated for tuberculosis and spent most of my time in my bedroom. My wife was also ill and was at that time a bed patient.

5. After seeing the strange man with Mrs. Brewer, I heard someone in Room 5-B and assumed the man I had seen had rented the room next door. Several times that afternoon I heard footsteps in Room 5-B, and two or three times I heard footsteps leaving Room 5-B and going past my room and into the common bathroom at the end of the hall. The first couple of times the person from 5-B went to the bath he did not stay but a few minutes and once I heard the toilet flush. Each time I heard footsteps going back to Room 5-B. About the third time I heard footsteps from Room 5-B to the bathroom the person stayed what seemed like a long time. It seemed like a long time because while he was in there, I wanted to use the toilet.

6. While this person was in there so long, Mr. Willie Anshutz, who lived in Room 4-B, knocked on my door and asked who the hell was staying in the bathroom so long. I opened my door and told him I didn't know, and he went back to his room.

7. Toward the end of the afternoon, sometime between 5:00 p.m. and 6:00 p.m., I was in my kitchen working on a small radio when I heard a shot. I have placed a small "X" mark on the floor plan, Exhibit I, to show where I was when I heard the shot. I could tell that it came from the bathroom because it was very loud and the partition between my kitchen and the bathroom is thin plywood.

8. I had not heard footsteps going back to Room 5-B between the time the person went in for us long and the time I heard the shot.

9. Right after the shot, I heard through a broken pane in my kitchen window a lot of voices yelling and hollering across the street from my building near the Lorraine Hotel. I looked out my window toward the noise and I saw a lot of people milling around near the hotel. Then I went to my door and opened it. I would say that about a minute, not more, passed between my hearing the shot and when I opened the door. First, I looked toward the bathroom and I saw that the door was open and it was empty. Then I went to the banister and looked the other way. When I did, I saw a man running near the end of the hallway. I have put an "X" mark on the floor plan, Exhibit I, to show about where he was when I saw him. He was carrying a bundle in his right hand. Even what I could see, the bundle was at least three or four feet long and six or eight inches thick. The bundle appeared to be wrapped in what looked like newspaper. The man turned left toward the stairs when he reached the end of the hallway. Although I did not get a long look at him before he turned left, I think it was the same man I saw earlier with Mrs. Becker looking at Room 5-B. The man running down the hall had on a dark suit, the same as the man I saw earlier.

10. When I went back to my kitchen window. This time I saw a lot of people and policemen at the Normine Hotel. A policeman near the entrance behind my balcony yelled at me to get away from the window, so I sat down in my kitchen.

~~CHARLES STEPHENS~~

Sworn to and subscribed before
me this _____ day of June, 1938

W. LLOYD BULLOCK
Clerk, United States
District Court for the
Western District of Tennessee,
U. S. A.

I hereby certify that this and the attached three pages and the attached documents identified as Exhibits I, II, and III comprise the original affidavit of Charles Stephens executed, sworn to, and subscribed before me this _____ day of June, 1938.

W. LLOYD BULLOCK

☒ XEROX 6/24/77 dmf

☒ REVIEWED 7/11/77 mer

☒ EXCISED & XEROXED 7/11/77
EJD

☐ OTHER _____

☒ COMPLETED 7/12/77 mer

Date

6/24/77

The following material has been reproduced
for excising and review at FBIHQ by representatives of
the House Select Committee on Assassinations:

File No. Murkin General Tickler

Section 1

Serials _____ through _____

(except following serials not in
file on this date:

Enclosure Behind File or Bulky Enclosure:

No. Copies 2

By mer

RETAIN THIS FORM AS TOP SERIAL

Department of Justice
Washington, D.C. 20530

November 11, 1976

*Mc Donnell to
see [unclear]
Belmont*

Asst. Dir.
Dep. Asst. Dir.
Dep. Asst. Dir.
Asst. Dir.
Adm. Serv.
Ext. Aff.
Fin. & Pers.
Gen. Inv.
Ident.
Intell.
Legal Coun.
Plan. & Insp.
Rec. Mgmt.
S. & T. Serv.
Spec. Inv.
Training
Telephone Rm.
Director's Sec'y

MEMORANDUM TO HEADS OF OFFICES, BOARDS, DIVISIONS AND BUREAUS

From: *Aluw* Michael M. Uhlmann
Assistant Attorney General
Office of Legislative Affairs

Subject: House Select Committee on Assassinations

At the close of the 94th Congress, the House of Representatives created a Select Committee on Assassinations to investigate the deaths of John F. Kennedy and Martin Luther King. Shortly thereafter, this office reached an agreement with the Committee stipulating that all requests for access to Department of Justice personnel and files would be in writing, directed, over the Chairman's signature or that of Staff Director Richard Sprague, to the Office of Legislative Affairs.

Some members of the Committee staff, however, have on their own sought to interview Departmental employees who may have worked on one or another aspect of the Kennedy and King matters. I would appreciate it if you would advise your staff of the Department's agreement with the Committee. Anyone receiving requests for information from members of the Committee or its staff should remind the callers of the terms of the agreement and ask them to comply with it. I would also appreciate knowing of any attempts by the Committee to obtain information other than through the Office of Legislative Affairs.

EXP. PROC.
NOV 12 1976



UNITED STATES GOVERNMENT

Memorandum

TO : Assistant Director
General Investigative Division

DATE: 11/11/76

FROM : Legal Counsel *[Signature]*

SUBJECT: SENATE SELECT COMMITTEE ON INTELLIGENCE (SCI)

PURPOSE:

To advise of receipt of a letter from the SCI.

DETAILS:

Attached letter dated 10/14/76, from the SCI, requests the Attorney General to brief the SCI concerning the progress regarding the Department's investigation into the Martin Luther King case.

Larry Callaghan, Deputy Assistant Attorney General, Office of Legislative Affairs, who furnished this letter to SA Paul V. Daly of this Division on 11/10/76, advised the Department has not decided on a response to this request.

RECOMMENDATION:

For information.

APPROVED: *[Signature]*

Director.....

Assoc. 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.....

Enclosure

62-117121

- 1 - Mr. Adams - Enc.
- 1 - Mr. Aldhizer - Enc.
- 1 - Mr. Mintz - Enc.
- 2 - Mr. Daly - Enc.

PVD:lad *[Signature]*
(6)



5010-108

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

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. Mgt.
Spec. Inv.
Training
Telephone Rm.
Director Sec'y

DANIEL K. INOUE, HAWAII, CHAIRMAN
HOWARD M. BAKER, JR., TENN., VICE CHAIRMAN
BIRCH BAYE, D.C.
ADLAI E. STEVENSON, JR., ILL.
WILLIAM D. MATHAWAY, MAINE
WALTER D. HUDDLESTON, KY.
JOSEPH R. BIDEN, JR., DEL.
ROBERT MORGAN, N.C.
GARY HART, COLO.
CLIFFORD CASE, N.J.
STROM THOMAS, S.C.
MARK O. WHEELER, OREG.
BARRY GOLDWATER, ARIZ.
ROBERT T. STAFFORD, VT.
JAKE GARN, UTAH

MIKE MANSFIELD, MONT., EX OFFICIO
HUGH SCOTT, PA., EX OFFICIO

WILLIAM G. MILLER, STAFF DIRECTOR

United States Senate

SELECT COMMITTEE ON INTELLIGENCE

(PURSUANT TO S. RES. 400, 94TH CONGRESS)

WASHINGTON, D.C. 20510

October 14, 1976

IN REPLY PLEASE
REFER TO RF-4310

RECEIVED

NOV 9 1976

O.L.A.

The Honorable Edward H. Levi
Attorney General
U.S. Department of Justice
Washington, D.C. 20530

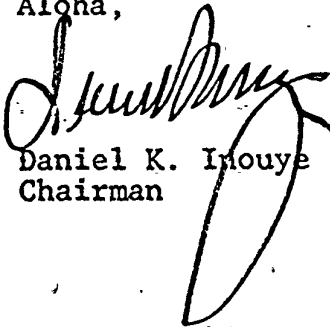
Dear Mr. Attorney General:

As you know, the Committee has recently received testimony from officials of your Department with respect to the progress of the investigations of alleged FBI burglaries. I found the session to be extremely helpful and consistent with our responsibility to oversee the process by which allegations of improper intelligence activities are investigated and handled.

In this context, and so that we may fulfill the same responsibilities with respect to the Department's investigation of intelligence activities in the Martin Luther King case, I would appreciate it if you would arrange for a staff briefing with respect to the progress and current status of that inquiry as well.

Your cooperation is appreciated.

Aloha,


Daniel K. Inouye
Chairman

Encl memo Legal Counsel to Asst Director,
DSD, 11-11-76, DB: f and

Airtel

11/12/76

To: SAC, WFO

From: Director, FBI (44-38861)

MURKIN

10 - Mr. Helterhoff

Enclosed is a copy of a "Washington Star News" article dated 10/9/76, reflecting that James Earl Ray has appealed his conviction to the U. S. Supreme Court.

Washington Field Office promptly determine status of Ray's appeal reportedly before the U. S. Supreme Court. Promptly advise results.

Enclosure

HNH:nlc (4)

Ray Appeals Conviction in King Murder

Associated Press

James Earl Ray, convicted killer of civil rights leader Dr. Martin Luther King Jr., asked the Supreme Court yesterday to review his case, claiming he was "set up to take the rap for a crime he didn't commit."

Ray's appeal said he was "framed by the FBI and local police, and then coerced by his own attorney to plead guilty against his will."

James H. Lesar, the Washington attorney representing Ray, wrote in asking the court to review Ray's conviction: "The charge is that those who did kill Dr. King are still at large, protected in part by the unwillingness of the courts to face these unpleasant facts."

The petition did not mention an investigation recently begun by the House into the assassinations of King and President Kennedy.

King was killed by a rifle blast as he stood on a motel balcony in Memphis in 1968.

Ray was arrested in London and brought back to the United States to stand trial. He pleaded guilty.

In his petition, Ray, now an inmate serving a life term in the Tennessee state penitentiary, said a thorough review of his conviction is needed because potential conflicts of interest between two of his attorneys denied him "effective assistance of counsel." Ray was represented originally by attorneys Arthur Hanes and Percy Foreman.

The Washington Post _____
Washington Star-News A-2
Daily News (New York) _____
The New York Times _____
The Wall Street Journal _____
The National Observer _____
The Los Angeles Times _____

Date 10/9/76

**FBI INVESTIGATION OF
MARTIN LUTHER KING, JR.
AND ITS CURRENT STATUS**

SECURITY INVESTIGATION

In 1962, the FBI initiated a security investigation of Martin Luther King, Jr., based on information from confidential sources that he was associating with known members of the Communist Party. This investigation continued until April of 1968 when King was assassinated in Memphis, Tennessee.

CIVIL RIGHTS ASSASSINATION INVESTIGATION

King was shot to death by an assassin's bullet while standing on a balcony of a motel in Memphis, Tennessee, on April 4, 1968. The U. S. Department of Justice (USDJ) requested the FBI to conduct an immediate civil rights investigation into a possible violation of Title 18, U. S. Code, Section 241 (possible conspiracy to violate the civil rights of King; namely, the right to travel interstate).

The FBI conducted an extensive, exhaustive investigation into this assassination and James Earl Ray was identified as the assassin. Our investigative results were furnished to the Civil Rights Division, USDJ, and based upon the authority of the Department, certain pertinent investigative results were furnished to the appropriate local authorities in the State of Tennessee. On March 10, 1969, in state court, Memphis, Tennessee, Ray entered a plea of guilty to charges of the murder of King and received a 99-year sentence. Ray is presently in local confinement. In October, 1976, Ray appealed his conviction to the U. S. Supreme Court.

DEPARTMENTAL REVIEW OF KING INVESTIGATION

In 1975, the U. S. Senate and U. S. House of Representatives Select Committees on Intelligence Activities conducted inquiries and held public hearings concerning the FBI. Following disclosures made during these hearings, the Attorney General (AG) directed in November, 1975, the Civil Rights Division and the Criminal Division of the Department of Justice to review the files relating to King and make a recommendation as to whether the assassination case should be reopened. In

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

The AG then ordered that the Office of Professional Responsibility (OPR) of the Department complete this preliminary review with an examination of all King related records at FBI Headquarters and in the field. The AG indicated the review is to answer the following questions: (1) Was the FBI's investigation of King's assassination thorough and honest? (2) Is there any evidence the FBI was involved in the assassination? (3) Is there any new evidence which has come to the attention of the Department concerning the assassination? (4) Does the relationship between the Bureau and King call for criminal prosecutions, disciplinary proceedings, or other appropriate actions?

This OPR review began May 10, 1976, with a review of King assassination files. OPR has reviewed the assassination files and is now reviewing security files involving King, the Southern Christian Leadership Conference and security files relating to communist influence in racial matters. The OPR still has this matter under review.

HOUSE SELECT COMMITTEE ON ASSASSINATIONS

In September, 1976, the U. S. House of Representatives created a Select Committee to investigate the assassinations of President John F. Kennedy and Martin Luther King, Jr. In November, 1976, the Committee requested access to the FBI files concerning the assassinations of Kennedy and King. The Department requested recommendations from the FBI concerning Committee access, and the Legal Counsel Division is coordinating a response.

KING ESTATE REQUEST FOR FBI DOCUMENTS

In compliance with instructions of the AG on 7/14/76, the FBI has furnished to the Department of Justice copies of voluminous documents in FBI Headquarters files concerning King and related matters which had been previously given to the Senate Select Committee on Intelligence Activities. These documents are being reviewed by the Department and, on a staggered basis, being furnished to the attorneys for the King estate.

FBI INVESTIGATION OF MARTIN LUTHER KING, JR. AND ITS CURRENT STATUS:

SYNOPSIS: In 1962, the FBI initiated a security investigation of Martin Luther King, Jr., based on information from confidential sources that he was associating with known members of the Communist Party. King was assassinated in 1968 and the FBI conducted an immediate civil rights investigation and James Earl Ray was identified as the assassin. Ray pled guilty on 3/10/69 to the murder of King before a State Court in Tennessee and presently is in local confinement. In November, 1975, the Attorney General (AG) directed the Civil Rights Division (CRD) and the Criminal Division of the Department to review the files relating to King. In April, 1976, the AG ordered the Department's Office of Professional Responsibility (OPR) to complete the review and the OPR still has this matter under review. In September, 1976, the U. S. House of Representatives created a Select Committee to investigate the assassinations of President Kennedy and King. In November, 1976, the Committee requested access to FBI files. The Department requested FBI recommendations re Committee access. The FBI recommended that in the security investigation of King the same procedures re access utilized in complying with requests from the Senate Select Committee on Intelligence Activities be utilized. In the civil rights assassination investigation of King, however, the FBI observed that any decision relative to Committee access rests entirely within the province of the Department and the Department was requested to also consider such items as determining what authority the Committee has to request access, and what effect any such access would have on the local prosecution and rights of Ray, who has his case under appeal to the U. S. Supreme Court. The Department has not advised the FBI of its final decision relative to Committee access.

DETAILS

SECURITY INVESTIGATION: In 1962, the FBI initiated a security investigation of Martin Luther King, Jr., based on information from confidential sources that he was associating with known members of the Communist Party. This investigation continued until April of 1968 when King was assassinated in Memphis, Tennessee.

CIVIL RIGHTS ASSASSINATION INVESTIGATION: King was shot to death by an assassin's bullet while standing on a balcony of a motel in Memphis, Tennessee, on 4/4/68. The U. S. Department of Justice (USDJ) requested the FBI to conduct an immediate civil rights

PREPARED FOR "TRANSITION MATTER"

(NOT USED)

SEE ABOVE 2 PAGE WRITE-UP

investigation into a possible violation of Title 18, U. S. Code, Section 241 (possible conspiracy to violate the civil rights of King, namely, the right to travel interstate).

The FBI conducted an extensive, exhaustive investigation into this assassination and James Earl Ray was identified as the assassin. Our investigative results were furnished to the Civil Rights Division, USDJ, and based upon the authority of the Department, certain pertinent investigative results were furnished to the appropriate local authorities in the State of Tennessee. On 3/10/69, in state court, Memphis, Tennessee, Ray entered a plea of guilty to charges of the murder of King and received a 99-year sentence. Ray is presently in local confinement. In October, 1976, Ray appealed his conviction to the U. S. Supreme Court.

DEPARTMENTAL REVIEW OF KING INVESTIGATION: In 1975, the U. S. Senate and U. S.

House of Representatives Select Committees on Intelligence Activities conducted inquiries and held public hearings concerning the FBI. Following disclosures made during these hearings, the Attorney General (AG) directed in November, 1975, the Civil Rights Division and the Criminal Division of the Department of Justice to review the files relating to King and make a recommendation as to whether the assassination case should be reopened. In April, 1976, the Attorney General announced that, based on this preliminary review by the Civil Rights Division, his tentative conclusions were: (1) there was no basis to believe that the FBI in any way caused the death of King; (2) no evidence was discovered that the FBI investigation of King's assassination was not thorough and honest and (3) instances were found indicating the FBI undertook a systematic program of harassment of King in order to discredit him and harm both him and the movement he led.

The AG then ordered that the Office of Professional Responsibility (OPR) of the Department complete this preliminary review with an examination of all King related records at FBIHQ and in the field. The Attorney General indicated the review is to answer the following questions:

(1) Was the FBI's investigation of King's assassination thorough and honest? (2) Is there any evidence the FBI was involved in the assassination? (3) Is there any new evidence which has come to the attention of the Department concerning the assassination? (4) Does the relationship between the Bureau and King call for criminal prosecutions, disciplinary proceedings, or other appropriate actions.

This OPR review began 5/10/76 with a review of King assassination files. OPR has reviewed the assassination files and is now reviewing security files involving King, the Southern Christian Leadership Council (SCLC) and security files relating to communist influence in racial matters. The OPR still has this matter under review.

HOUSE SELECT COMMITTEE ON ASSASSINATIONS: In September, 1976, the U. S. House of Representatives created a Select Committee to investigate the assassinations of President John F. Kennedy and Martin Luther King, Jr. In November, 1976, the Committee requested access to the FBI files concerning the assassinations of Kennedy and King. The Department requested recommendations from the FBI concerning such access.

The FBI recommended to the Department concerning the security investigation of King that the same procedures as to degree of access to FBI information utilized in complying with requests from the Senate Select Committee on Intelligence Activities be utilized in complying with requests from this House Select Committee, which include deletions or excisions of material which might disclose informants, sensitive sources or methods and involve obtaining third-agency clearance.

In the civil rights assassination investigation of King, however, the FBI observed that any decision relative to Committee access rests entirely within the province of the Department. In making its decision, the Department was requested to also consider certain items, such as privacy, confidential nature of informants, etc., and to also consider the following:

(1) The Department should determine what authority the Committee has to request access to the Civil Rights assassination investigation of Dr. King. For example, is it requesting such access for a specific legislative interest? If not, such access by the Committee could be construed by some as an effort by a legislative body to act as a "grand jury" even though James Earl Ray has already been processed through the court system;

(2) The Department should determine what effect any such Committee access to our investigative results in the civil rights assassination investigation of King (including the physical evidence, FBI Laboratory and Identification reports, etc.) would have on the local prosecution of James Earl Ray and upon the rights of Mr. Ray, who has recently appealed his conviction to the U. S. Supreme Court. If necessary, the Department should resolve this with the State of Tennessee authorities and with Mr. Ray's counsel.

The Department has not advised the FBI of its final decision re Committee access.

1 - Mr. R. G. Held
1 - Mr. J. B. Adams
1 - Mr. H. N. Bassett
1 - Mr. J. A. Mintz

Mr. R. J. Gallagher

11/10/76

J. G. Deegan

1 - Mr. T. W. Leavitt
1 - Mr. R. J. Gallagher
1 - Mr. J. O. Ingram
1 - Mr. J. G. Deegan
1 - Mr. P. V. Daly
1 - Mr. J. D. Maurice

HOUSE SELECT COMMITTEE
ON ASSASSINATIONS

PURPOSE: To respond to Legal Counsel request for General Investigative and Intelligence Division comments regarding procedures to be utilized for complying with requests from captioned Committee; to recommend same procedures in complying with requests from the Senate Select Committee on Intelligence Activities be utilized; and to further recommend formation of new unit to handle such requests.

DETAILS: Memorandum Legal Counsel to the Associate Director 11/4/76, above caption, advised of request by the House Select Committee on Assassinations to review FBI and Department of Justice files concerning FBI investigation into the assassinations of President John F. Kennedy (JFK) and Dr. Martin Luther King, Jr. (MLK). Legal Counsel recommended captioned Committee be granted access to our files to the same extent the Senate Select Committee on Intelligence Activities was granted and that the General Investigative Division, in coordination with the Intelligence Division, furnish comments regarding Committee access to FBI files.

Memorandum from Legal Counsel to Mr. J. B. Adams, 7/29/75, captioned "SENSTUDY 1975" advised that the proposed procedures concerning the handling of requests for documents by the Senate Select Committee had been approved by the Attorney General and the Senate Select Committee. A copy of the proposed procedures, attached to the 7/29/75 memorandum has been reviewed and the General Investigative and Intelligence Divisions agree the same procedures as to the degree of access to FBI information should be utilized when complying with requests from the House Select Committee on Assassinations. A copy of the 7/29/75 memorandum with proposed procedures is attached.

In order to immediately implement proposed procedures and to handle the large influx of anticipated requests, the following is recommended:

(1) New unit be set up, unit chief to be designated, comprised of unit chief, 5 agent supervisors and 5 reviewer analysts, for expeditious handling of requests from captioned Committee, which could last as long as two years. Objective is formation of unit to develop expertise and background in handling such requests.
Enclosure

Memorandum to Mr. R. J. Gallagher
Re: House Select Committee
On Assassinations

(2) Initial manpower to be supplied by General Investigative and Intelligence Divisions. If necessary, additional special agent personnel will be assigned to handle.

(3) Initial staff to be comprised of Agents who will have responsibility to become knowledgeable in Lee Harvey Oswald, JFK and MLK investigations.

(4) New unit to be General Investigative Division operation assigned to Domestic Security Section and space to be allocated on 4th Floor, JEH Building.

RECOMMENDATIONS: (1) Same procedures*utilized in complying with requests from Senate Select Committee on Intelligence Activities be utilized in complying with requests from captioned Committee.
* as to degree of access to FBI information

(2) Approval be granted to immediately implement recommendations 1 - 4, above, to handle captioned Committee requests.

UNITED STATES GOVERNMENT

Memorandum

TO : J. B. Adams

FROM : Legal Counsel *J. B. Adams*

SUBJECT: SENSTUDY 1975

1 - Mr. Mintz - Enc.
1 - Mr. Wannall - Enc.
1 - Mr. Cregar - Enc.

DATE: 7/29/75

1 - Mr. Hotis - Enc.
1 - Mr. Daly - Enc.

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.: _____
Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Telephone Rm. _____
Director Sec'y _____

On 7/25/75 at the request of Special Counsel for Intelligence Coordinator Michael Shaheen in the Department, a meeting was held between representatives of the FBI (SAs Paul B. Daly and John Thomas), representatives of the Senate Select Committee (John T. Elliff, Task Force head of the Domestic Task Force, Mark Gitenstein) and Michael Shaheen of the Department. At this meeting Mr. Shaheen advised that the proposed procedures concerning the handlings of requests for documents by the Senate Select Committee had been approved by the Attorney General and in the Senate Select Committee. (A copy is attached.)

Shaheen and Elliff indicated the purpose in meeting on the 25th along with an anticipated meeting on Monday, 7/28/75, was to assist the SSC in the planning of a superseding request in accordance with the newly established procedures concerning document requests. Both Shaheen and Elliff expressed concern at this time that the schedules set forth in the new agreement was such that in many instances the Bureau would not be able to respond in time to meet the deadlines. Additionally, Shaheen expressed concern that the provisions require that the Attorney General adjudicate any question as to the necessity of furnishing a document to the Committee and to make such a decision within 24 hours would be very burdensome.

Messrs. Elliff and Shaheen were advised by SA Daly that this would be true, pointing out that in many instances files are not readily available because of FOIA requests, needs of the Bureau's ongoing investigations and law suits in which it was necessary to view particular files. It was also pointed out that many of the requests of the Senate Select Committee necessitate the review of a number of files and/or numerous volumes of a particular file all of which are not necessarily available immediately. Mr. Shaheen advised that it was the Attorney General's desire that Senate Select Committee requests take precedence over all other matters including the Freedom of Information. It was pointed out to Mr. Shaheen that our responses to Freedom of Information Act are under deadline by law and; if

Enclosure

ST 110

REC-41

CONTINUED 25 OVER

PVD:lad 3/1975

(8)

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

Legal Counsel to J. B. Adams Memorandum
RE: SENSTUDY 1975

this were to be the Attorney General's feelings, he should advise this Bureau in writing so that we would be in a position to use this statement of policy should this question arise during litigation. It was pointed out that in many areas of possible abuse set forth by the Senate Select Committee we have pending FOIA requests and/or litigation which require the availability of those files for responses.

Elliff indicated that it was the Committee's desire in their forthcoming superseding request to request material that had been previously furnished the Committee with the understanding that there would be less excisions made in compliance with the new agreement. He inquired as to whether the Bureau could advise him as to what material previously furnished was readily retrievable and could be furnished in accordance with a new request. He was advised by SAs Daly and Thomas that it was not possible at this time to give him a response, however, we would endeavor to make an analysis of prior requests to obtain this information and have it available for the meeting Monday, 7/28/75.

A general discussion was had concerning the new agreement especially concerning the type of material which might properly be excised and third agency problems. It was generally agreed upon that not only the identity of informants be excised but also information which might disclose the identity of informants might also be properly excised. Elliff indicated that the Committee did not wish to see many items referred to the Attorney General as is called for by the agreement for his decision and would rather at least on a preliminary basis where it was a question of the propriety of the excision that the discussion be held with him or one of his representatives before such a referral was made. Shaheen also indicated a desire that the referrals to the Attorney General be kept to a minimum. Regarding the "Third Agency" problems which are not addressed in the agreement there was no final decision arrived at. Elliff and Shaheen were under the impression that the clauses referring to foreign intelligence operations or foreign intelligence sources would handle this problem. They were advised that this was not the case. This was not true since even in these instances Senators on the Committee are given access after the Attorney General has made a determination that material involved "peculiarly sensitive foreign intelligence sources or peculiarly sensitive ongoing foreign

CONTINUED - OVER



Legal Counsel to J. B. Adams Memorandum
RE: SENSTUDY 1975

intelligence operations." It was pointed out that this would require that many documents be referred to the Attorney General for his determination which would be contrary to Messrs. Elliff's and Shaheen's desires.

The meeting was held 7/28/75, Messrs. Gitenstein and Elliff of the Committee, Michael Shaheen and Steven K. Blackhurst of the Department, and SAs Paul W. Daly, Seymor Phillips and Elmer Larson were in attendance. Regarding the "Third Agency" rule problem, we advised the Department and the Committee that we would continue to abide by this rule. The Committee presented a request dated July 28, 1975, captioned "Superseding Request for FBI Materials." This document amounted to a recapitulation of prior requests made by the Committee with a schedule for delivery set forth in accordance with the established guidelines for the production of documents. An item-by-item analysis of the request contained in the document was had and where necessary modifications concerning scheduled responses was made. It was obvious the intent of the Committee in making the superseding request was to have more documents made available in the Committee offices and also to have less excisions made on documents previously furnished the Committee based on prior requests. We were requested by Shaheen to prepare as soon as possible correspondence to the Attorney General setting forth instances where the deadlines set by the Committee could not be made. This prompted the provisions in the guidelines for the production of documents which require the Attorney General to notify the Committee Chairman and Vice Chairman within 24 hours of any expected delay beyond 96 hours of the request.

RECOMMENDATION:

Action. For information.

Request being
handled separately -
JD

JBA/R.L.

MA

pen

WLD

DD

MPC
TJ

PROPOSED PROCEDURES

(1) The Domestic Task Force Leader* will submit periodically a list of specific materials, ~~xxxxxxx~~ to the inquiry being conducted under S.R. 21, to which the Committee staff wishes access or of which the Committee desires delivery. Any questions as to the ^{specificity,} ~~scope or material~~ of any portion of such list shall be identified by the Special Counsel and discussed at the time of acceptance of the list, between the DTFL and the Special Counsel.

The first such list will be delivered to the Department of Justice within 48 hours of the adoption of this procedure, and will summarize and supersede all the presently outstanding requests; this list will be in priority order, as fixed by the Committee, with fixed delivery/access dates specified. Those materials for which the Committee requests delivery or access shall be delivered to the Committee or made accessible in Room 4171 of the Hoover Building not later than within 48 96 hours of the date specified. The Committee Chairman and Vice Chairman shall be informed by the Attorney General, within 24 hours of receipt of ^{each} ~~that~~ request, of any delay beyond 48 96 hours, the expected length of the delay, and the specific reasons for the delay. Partial access or delivery shall be proffered, by the Bureau of/to any materials requested, while the balance of such materials are being prepared. A partial proffer shall not extend the time of full response set forth herein.

* Wherever used herein, the term Domestic Task Force Leader (DTFL) is understood to include the/ Staff Director, Chief Counsel and the Minority Counsel of the Senate Select Committee.

ENCLOSURE

562

These procedures shall apply to all matters covered by paragraph 1. In the event of a specific problem arising with the applicability of these procedures to any matters in current litigation or any matters in which criminal prosecution is pending, or any matter which the Attorney General shall specifically designate as extraordinarily sensitive, a special procedure shall be undertaken.* Such specific problem areas shall be identified by the Attorney General to the Chairman and Vice Chairman by letter upon consideration of the lists submitted pursuant to this provision. The special procedure to be followed shall be proposed, defined, adopted, and followed after consideration by the SSC of the specific problem area and pertinent inquiry and discussion at the staff level.

(2) The following procedures shall apply (a) where delivery of materials requested might jeopardize FBI sensitive sources or ongoing operations, or (b) where the Domestic Task Force Leader requests access to materials, rather than delivery to the SSC.

(3) The Department will furnish access at the Hoover Building in Room 4171 to those materials requested:

(a) only to the members of the Committee, where it is determined by the Attorney General that the materials involve peculiarly sensitive foreign intelligence sources or peculiarly sensitive ongoing foreign intelligence operations.

* No restriction of currently operational arrangements is intended under this provision.

(b) In all other cases, to the appropriately cleared staff who will have access to all of the materials.

(c) An exception to (a) and (b) above is made for the identities of so-called "live" informants or potential informants as defined in the FBI Manual of Instructions as to which no access will be furnished unless the identity of the individual as an informant or potential informant has already been made known to the Committee, jointly agree on the limited disclosure of such identities to the Chairman and Vice Chairman.

(d) As to other information which would identify persons, as sources, who have provided or continue to provide information to the FBI, and as to whose identity the FBI has undertaken an obligation of confidentiality, the Committee and its staff shall preserve the confidentiality and shall make no use which would impair the confidentiality of this class of information to which access has been given, unless the identity of the individual as a source has already been made known to the Committee, or unless such information appears in materials which have been screened by the FBI as provided in paragraph 6 below.

* Examples of prohibited use are:

- (1) interviews of the source, as source
- (2) interviews or inquiries that would disclose the fact that the identity of a confidential source was made known to the staff.
- (3) public disclosure.

(4) Those materials to which the staff has access may be reviewed and studied in Room 4171 of the Hoover Building and such notes may be taken as deemed appropriate by the Staff.

(5) The Committee staff shall select from those materials to which access is herein provided, those materials which it deems pertinent to the Committee's inquiries and necessary for delivery to the Committee's offices.

(6) The Bureau shall make copies of such materials as are specified by the staff under the provisions of (5) above for transfer to the Committee's offices

(a) before the copies of such materials are taken to the Committee's offices, the Bureau shall, within 24 hours of the selection, make appropriate excisions and paraphrases of information which might, if inadvertently disclosed, endanger sensitive or sensitive FBI sources and/or ongoing operations.

(b) If the Task Force Leader has any objections to the excisions or paraphrases, the materials in issue will be forthwith conveyed by the Bureau, with a written statement of its grounds for its position, to the Special Counsel who shall resolve the matter by negotiation within 24 hours.

(c) In the event the matter is not resolved within 24 hours, the Special Counsel shall submit the matter forthwith to the Attorney General who shall notify the Chairman forthwith and arrange for an appropriate disposition.

(7) The Committee staff may remove to the office of SSC for appropriate use, any notes which they may make upon review of material screened by the FBI, as provided in (6) above, without such notes being reviewed by the Bureau. The Committee staff may remove notes on unscreened materials only if such notes are reviewed and cleared by the Bureau under the provisions of (6) (a) thru (c) above.

(8) The staff and the members of the Committee may examine the original materials to which the staff has been given access as extensively as necessary, in the Hoover Building at Room #171, during normal FBI business hours; upon reasonable notice, special arrangements may be made for access at other times.

(9) These procedures are adopted subject to satisfactory experience in implementation. If after a fair trial the procedures herein do not operate suitably in the view of either the SSC or the Attorney General, the procedures may be unilaterally set aside by either the SSC or the Attorney General and other appropriate and suitable methods of procedure undertaken.

Mr. Gallagher

11/8/76

J. S. Peelman

HOUSE SELECT COMMITTEE
ON ASSASSINATIONS

1 - Mr. Gallagher
1 - Mr. Ingram
1 - Mr. Peelman
① - Mr. Helterhoff
1 - Mr. Cooke
1 - Mr. Burton
1 - Mr. Deegan

PURPOSE: To furnish comments by the Civil Rights Section, General Investigative Division (GID), as to Committee access to the Civil Rights investigation into the assassination of Dr. Martin Luther King, Jr. (Bufile 44-38861).

SYNOPSIS: House Select Committee on Assassinations has requested access to FBI files and Department of Justice files concerning the assassinations of President John F. Kennedy and Dr. Martin Luther King, Jr. (copy of Committee letter attached). Legal Counsel Division has requested comments from GID re Committee access. (Copy of Legal Counsel memorandum attached.) Dr. King was assassinated on 4/4/68 and the FBI conducted an immediate Civil Rights investigation per the request of the Department. Our investigative results were furnished to the Department and based upon the authority from the Department, certain pertinent investigative results were furnished to the State of Tennessee authorities. James Earl Ray pled guilty on 3/10/69 to the murder of Dr. King before a state court in Tennessee and presently is in local confinement. In November, 1975, the Attorney General directed Assistant Attorneys General Pottinger and Thornburg to review the files relating to Martin Luther King and make a recommendation as to whether the assassination case should be reopened. In April, 1976, the Attorney General requested the Department's Office of Professional Responsibility (OPR) to complete the review of all records re Dr. King. The Department's OPR still has this King matter under review. Any decision relative to Committee access to the Civil Rights assassination investigation of Dr. King rests within the province of the Department. The Department should also be advised that in making its decision it should also consider:

Enclosures (3)

HNH:bam (8)
44-38861

CONTINUED - OVER

Memorandum to Mr. Gallagher

RE: HOUSE SELECT COMMITTEE ON ASSASSINATIONS

(1) What authority the Committee has to request access; (2) What effect access would have on the local prosecution and the rights of Ray who has his case under appeal to the U. S. Supreme Court. ("Washington Post" article re his appeal attached); (3) What effect Committee access would have on privacy of those individuals who furnished information in a criminal case; (4) If Department grants access, it should oppose disclosing identity of informants or persons who furnished information on a confidential basis and (5) What action it intends to take to obtain third-agency clearance including foreign Governments; (6) The decision to furnish an itemization of material turned over to another agency remains within the province of the Department; (7) The FBI has not prepared any summary of the King assassination investigative results other than that contained on the summary (synopsis) pages of each report and a reports containing a prosecutive summary; (8) The Civil Rights Section recommends no meeting with staff members until Department makes its decision.

RECOMMENDATION: That these comments of the Civil Rights Section be furnished to the Criminal Section of the GID (attention Mr. Len S. Burton), which section is coordinating the overall GID response to this matter.

DETAILS: The House Select Committee on Assassinations has requested access to FBI files and Department of Justice files concerning the assassinations of President John F. Kennedy and Dr. Martin Luther King, Jr. (Committee letter attached). The Legal Counsel Division has requested comments of the GID as to the Committee's access to these files. (copy of Legal Counsel memorandum attached). The Civil Rights assassination investigation of Dr. King is located in Bufile 44-38861.

Memorandum to Mr. Gallagher

RE: HOUSE SELECT COMMITTEE ON ASSASSINATIONS

Dr. King was shot to death by an assassin's bullet while standing on a balcony of a motel in Memphis, Tennessee, on 4/4/68. The U. S. Department of Justice requested the FBI to conduct an immediate Civil Rights investigation into this assassination which was confirmed in writing by a letter from Stephen J. Pollak, Assistant Attorney General, Civil Rights Division, to the Director of the FBI, which requested a full investigation into a possible violation of Title 18, U. S. Code, Section 241, (possible conspiracy to violate the Civil Rights of Dr. King, namely, the right to travel interstate.)

The FBI conducted an extensive, exhaustive investigation into this assassination and James Earl Ray was identified as the assassin. Our investigative results were furnished to the Civil Rights Division, U. S. Department of Justice, and based upon the authority of the Department, certain pertinent investigative results were furnished to the appropriate local authorities in the State of Tennessee. On 3/10/69, in state court, Memphis, Tennessee, Ray entered a plea of guilty to charges of the murder of King and received a 99-year sentence. Ray is presently in local confinement.

By letter dated 12/4/75, the Attorney General of the United States advised that on 11/24/75, he directed Assistant Attorneys General J. Stanley Pottinger and Richard L. Thornburg to review the files relating to Martin Luther King at once in the light of recent testimony, and make a recommendation as to whether the assassination case should be reopened. The Department had complete access to the Civil Rights assassination investigative file during its review.

On 4/29/76, the Attorney General of the United States issued the following news release:

"I have directed the Office of Professional Responsibility, headed by Michael Shaheen, to complete a review of all records in the Department of Justice concerning the Reverend Dr. Martin Luther King, Jr. The Civil Rights Division, under the personal direction of Assistant Attorney General J. Stanley Pottinger, completed on April 9 a five-month preliminary review

Memorandum to Mr. Gallagher
RE: HOUSE SELECT COMMITTEE ON ASSASSINATIONS

of files at FBI headquarters. As a result of this preliminary review, the Civil Rights Division has recommended that the review be carried forward to completion with an additional examination of records at FBI headquarters and field offices. It is believed that more than 200,000 documents may be involved.

On the basis of this preliminary review, Assistant Attorney General Pottinger stated that his 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, and (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.

In ordering on April 26 the complete review by Mr. Shaheen, I directed that the investigation be completed forthwith and that answers to four specific questions be furnished to me and FBI Director Clarence M. Kelley on the basis of the review of all documents:

- Whether the FBI investigation of Dr. King's assassination was thorough and honest;
- Whether there is any evidence that the FBI was involved in the assassination of Dr. King;
- 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;
- Whether the nature of the relationship between the Bureau and Dr. King calls for criminal prosecutions, disciplinary proceedings, or other appropriate action.

Mr. Pottinger pointed out that the Civil Rights Division has been continuously investigating allegations concerning the assassination of Dr. King as these allegations come to the attention of the Department."

Memorandum to Mr. Gallagher
RE: HOUSE SELECT COMMITTEE ON ASSASSINATIONS

The Department's OPR still has this matter under review and has had complete access to the Civil Rights assassination investigative files both at FBIHQ and in all of our field offices.

The decision as to what access, if any, the Committee has to the FBI file on the Civil Rights assassination of Dr. King, therefore, rests entirely within the province of the Department of Justice. The Department should also be advised that in making its decision relative to Committee access, it should also consider the following:

(1) The Department should determine what authority the Committee has to request access to the Civil Rights assassination investigation of Dr. King. For example, is it requesting such access for a specific legislative interest? If not, such access by the Committee could be construed by some as an effort by a legislative body to act as a "grand jury" even though James Earl Ray has already been processed through the court system;

(2) The Department should determine what effect any such Committee access to our investigative results in the Civil Rights assassination investigation of Dr. King (including the physical evidence, FBI Laboratory and Identification reports, etc.) would have on the local prosecution of James Earl Ray and upon the rights of Mr. Ray, who has recently appealed his conviction to the U. S. Supreme Court. ("Washington Post" article re appeal attached). If necessary, the Department should resolve this with the State of Tennessee authorities and with Mr. Ray's counsel;

(3) The Department should determine what effect any such access would have on the privacy of those individuals who furnished information to the FBI in a criminal case the FBI was investigating (Title 18, U. S. Code, Section 241);

(4) If the Department grants access to the Committee, it should oppose disclosing the identity of any informants or persons who furnished information on an expressed confidential basis;

Memorandum to Mr. Gallagher
RE: HOUSE SELECT COMMITTEE ON ASSASSINATIONS

(5) If the Department grants Committee access, the Department should advise what action it intends to take to obtain third-agency clearance including obtaining authority from those foreign Governments which furnished investigative results, such as Canada (where Mr. Ray stayed and obtained a passport) and London (where Mr. Ray was captured);

(6) The decision to furnish an itemization of any material which has been turned over to any other individual or agency remains within the province of the Department. For instance, certain material was turned over to the State of Tennessee authorities based upon the authority of the Department and the Department would have to make a decision as to whether this itemization could be made available to the Committee. Other material from our files has also been made available pursuant to the Freedom of Information Act;

(7) The FBI has not prepared any summary of the Civil Rights investigation of the assassination of Dr. King. Neither the Civil Rights Division nor the OPR requested such a summary during its review. Each investigative report contains a summary (synopsis) page and a prosecutive summary report and a non-prosecutive summary report were also previously prepared. There is, of course, extensive public source information available concerning this matter;

PROSECUTIVE SUMMARY RPT 6/14/68 44-38861-4697 SEC. 61
NON " " " 6/5/68 " -4143 SEC 52

(8) Inasmuch as any Committee access to the Civil Rights investigation of the assassination of Dr. King remains within the province of the Department, the Civil Rights Section of the GID recommends that no meeting be held re the Civil Rights investigation with staff members of the Committee until the Department makes its decision in this matter.

These comments of the Civil Rights Section of the GID are in no way intended to be obstructive but it is felt the Department must resolve these issues before it can make a determination as to whether or not it will grant Committee access to the Civil Rights investigative file on the assassination of Dr. King.

Ray Appeals Conviction in King Murder

Associated Press

James Earl Ray, convicted killer of civil rights leader Dr. Martin Luther King Jr., asked the Supreme Court yesterday to review his case, claiming he was "set up to take the rap for a crime he didn't commit."

Ray's appeal said he was "framed by the FBI and local police, and then coerced by his own attorney to plead guilty against his will."

James H. Lesar, the Washington attorney representing Ray, wrote in asking the court to review Ray's conviction: "The charge is that those who did kill Dr. King are still at large, protected in part by the unwillingness of the courts to face these unpleasant facts."

The petition did not mention an investigation recently begun by the House into the assassinations of King and President Kennedy.

King was killed by a rifle blast as he stood on a motel balcony in Memphis in 1968.

Ray was arrested in London and brought back to the United States to stand trial. He pleaded guilty.

In his petition, Ray, now an inmate serving a life term in the Tennessee state penitentiary, said a thorough review of his conviction is needed because potential conflicts of interest between two of his attorneys denied him "effective assistance of counsel." Ray was represented originally by attorneys Arthur Hanes and Percy Foreman.

The Washington Post _____
Washington Star-News A-2
Daily News (New York) _____
The New York Times _____
The Wall Street Journal _____
The National Observer _____
The Los Angeles Times _____

Date 10/9/76