to normal living expenses, Ray had made several substantial purchases, e.g., cars, photo equipment, dance lessons (See, List of known expenditures, App. A, Ex. 4). These expenditures suggested that he had financial assistance and hence possible co-conspirators. Therefore, the Bureau was particularly interested in determining his sources of income. On April 23, 1968, the Director advised all field divisions to consider Ray as a suspect in any unsolved bank robberies, burglaries or armed robberies occurring after April 23, 1967. The results were negative.

On April 29, 1968, the Director in a teletype to all SAC's ordered that all law enforcement agencies which maintained unidentified latent fingerprints be contacted and requested that fingerprints of Ray be compared in order to determine his past whereabouts and possibly establish his source of funds. Again, negative results were obtained. The Director, on May 14, 1968, reminded all field divisions that Ray had spent a considerable amount of money from April 23, 1967 until April 4, 1968, and advised that a source for these monies had not been determined. The Director ordered that photographs of Ray be displayed to appropriate witnesses in unsolved bank robberies and bank burglaries. These efforts and all others to date, with one exception, have proved fruitless.

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As a result of one of Huie's Look articles, the Bureau did ascertain that Ray had been employed at a restaurant in Winnetka, Illinois, for approximately eight weeks. As a dishwasher and cook's helper, Ray had received checks totaling $664 from May 7, 1967 through June 25, 1967 (See, List of known income, App. A, Ex. 5). This is the only known source of income for Ray following his prison escape. Reports from the Royal Canadian Mounted Police indicated no known robberies or burglaries which could be connected with Ray, nor did Mexican authorities notify the Bureau of any criminal activity which could be associated with Ray. The Bureau investigated the possibility that Ray participated in a bank robbery at Alton, Illinois, in 1967, but it was established that he was not a participant.

Ray related to author Huie that he robbed a food store in Canada, and that an individual named "Raoul" furnished him funds on a continuous basis for various undertakings. These matters were actively pursued by the Bureau but have never been corroborated by them. Nor have they been corroborated by private inquiries of writers and journalists. It is the Bureau's opinion that Ray most likely committed on a periodic basis several robberies or burglaries during this period in order to support himself. Ray's criminal

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background does lend credence to this theory.

The task force interviewed Ray's brother, Jerry Ray (See, Interview of Jerry Ray, December 20, 1976, App. B). He stated that to his knowledge family members did not provide James with any funds. Jerry admitted he met with his brother two or three times during his employment at the Winnetka restaurant and advised that he, not James, paid for their eating and drinking expenses. However, when Jerry again saw his brother on his return from Canada in August, 1967, James did have some money because it was he who paid for their expenses which included a motel room. Jerry added that James also gave him his car commenting that he would purchase a more expensive car in Alabama. Jerry stated he was unaware of where his brother had obtained his money as well as the amount of money he had at this time.

Accordingly, the sources for Ray's funds still remain a mystery today.

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4. Family Contacts and Assistance

Our review of the files indicated that the FBI had no hard evidence linking James Ray to any conspiracy to kill Dr. King. Absent such evidence, the Bureau apparently discounted the significance of any contact between Ray and his family. As the Chicago case agent told us, it is not unusual for a fugitive or a person who has committed a given crime to be in touch with family members. While such contact may render the actions of the family member criminally liable, it is not generally pursued absent some evidence of direct participation in the crime.

However, in light of the fact that a good deal of mystery still surrounds James Ray and the assassination, particularly the means by which he financed his life style and travels, we concluded that on the basis of the information which was uncovered, the Bureau should have pursued this line of the investigation more thoroughly.

The connection of the Ray family to the crime against Dr. King may have been nonexistent. This does not alter the fact, however, that the FBI discovered that the subject of the largest manhunt in history had been aided in his fugitive status by at least one family member. This and other facts suggestive of family assistance became clear as the Bureau's investigation progressed.

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First, John and Jerry Ray had significant contacts with James while he was in Missouri State Penitentiary (MSP) at Jefferson City, Missouri. Jerry Ray visited James three or four times and had borrowed money from James on at least one occasion during his confinement (Chicago 44-1144 Sub G-17). John Ray visited or attempted to visit James Ray while at MSP on at least nine occasions. The last visit took place on April 22, 1967, the day before Ray escaped (HQ 44-338861-4503). The Bureau also discovered that while in prison at MSP James Ray had a fellow inmate send a money order to a fictitious company (Albert J. Pepper Stationary Co.) in St. Louis, Missouri. The money was sent to the address of Carol Pepper (sister and business partner of John Ray) where she resided with her husband Albert. James Ray had told the inmate who sent the money that it was a way of getting money out of the prison (HQ 44-38861-2614).

Second, James Earl Ray was seen by several people in both the St. Louis and Chicago areas during the period immediately after his escape. In St. Louis (where John Ray was living) two former inmates at MSP, stated that they had seen James Ray on separate occasions. One stated that he had seen Ray three times between May 10 and 17, 1967 (Kansas City, 44-760-786). The other saw Ray entering a bank with Jimmie Owens and spoke briefly with Ray as they entered

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(HQ 44-38861-3483). In the Chicago area where Jerry Ray was living, the Bureau discovered that James Ray had purchased a car on June 5, 1967 (Chicago, 44-1114 Sub D Ex. 85) and had worked in Wirnetka, Illinois. Ray's employers also told Bureau agents that James Ray had received several calls from a man claiming to be Ray's brother immediately prior to James' departure from his job. They stated that these calls had a visibly disturbing effect on James Ray (Chicago 44-1114 Sub G-37). Jerry Raynes, father of the Ray brothers, told the FBI that he overheard John and Jerry mention that James had been in Chicago during the summer of 1967 (Chicago 44-1114-508).

Third, in California, the FBI discovered two facts which pointed toward possible contact between James Ray and his brothers. Richard Gonzales who was a fellow student with Ray at the bartending school in Los Angeles told Bureau agents that Ray had told him upon completion of the course that he (Ray) was going to visit a brother in Birmingham for two weeks (HQ 44-38861-1233). The FBI also interviewed Marie Martin, cousin of Charles Stein. She stated that for some time before March 17, 1968, (the date when Ray left Los Angeles) James Ray had been stating that he was in need of funds and was waiting for his brother to send him some money.

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Fourth, through an informant the Bureau discovered that Jerry Ray may not have been entirely candid with the special agents during his several interviews. The informant disclosed to Bureau agents on June 7, 1968, that Jerry Ray stated he had seen his brother (James) at least once at a pre-arranged meeting place in St. Louis shortly after his escape. Jerry also allegedly stated to the informant that he had recognized the photograph of Eric Starvo Galt as being identical with his brother James prior to the time the FBI had first contacted him in connection with the assassination. He did not want to tell the FBI everything he knew out of fear that James would be caught. (HQ 44-38861-4594.)

Correspondence recovered by the Bureau indicated that Jerry may have heard from James in Canada in June of 1968 (HQ 44-38861-4517 and 4518). James Ray was in Canada during April and May of 1968 prior to his departure for London on May 7, 1968 (HQ 44-38861-4595). It is also noted that Jerry had earlier told agents that he had received mail from James, while James was in prison, at Post Office Box 22.

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Wheeling, Illinois (Chicago 44-114 Sub G-26).

Finally, in November, 1968 it became clear that James Ray had been in touch with his brother Jerry. Illinois motor vehicle records showed that on August 25, 1967 James Ray (using the name of John L. Rayns) transferred his 1962 Plymouth to Jerry (HQ 44-38861-5413). This was during the period when James Ray was making his way from Canada to Birmingham, Alabama. It has continued to be a mystery as to why Ray went to Alabama, how he traveled there, and where he obtained the several thousand dollars he had when he arrived.

Thus, at least one family member, Jerry, had lied to the FBI and had become subject to federal criminal charges for aiding a fugitive. He was never confronted with these facts by the Bureau. In the task force interview of Jerry Ray, he confirmed the fact that he had lied to the Bureau and had seen his brother James on several occasions.*/ Jerry denied knowing anything about James' travels or his source of funds (Interview of Jerry Ray, December 20, 1976, App. B). However, the task force found the credibility of Jerry's

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*/ The task force attempted to talk to James and John Ray but an interview was refused in both instances.

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denials to be suspect. In light of this low credibility and critical passage of time which has allowed the statute of limitations to run, we concluded that the FBI abandoned a significant opportunity to obtain answers from family members concerning some of the important questions about James Earl Ray which still remain.

D. Critical Evaluation Of The Assassination Investigation

As this report reflects, there was a wealth of information in the files developed by the FBI murder investigation. We have been able to dig up some additional data. Only a small part of any of this information has been made a matter of any official public record. Some of it was embodied in the stipulation agreed to by James Earl Ray and judicially acknowledged in open court by him (with a stated reservation as to agreeing to the wording indicating a lack of a conspiracy). Some emerged in Ray's post-conviction efforts to get a new trial. A quantity of the "unofficial" evidentiary data and a great deal of mis-information was gleaned by the news media and by professional writers. It is understandable therefore that many suspicions have been generated and, because of Justice Department rules against disclosures of raw investigative files, have gone unanswered.

First, the task force has concluded that the investigation by the FBI to ascertain and capture the murderer of

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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 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

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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 FBI 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 FBI even

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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 FBI.

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.

Fourth, it is true that the task force unearthed some new data - data which answers some persistent questions and which the FBI did not seek. But the Bureau concentrated on the principal in the case and much was not considered important to his discovery and apprehension. We find no dishonesty in this. A lead suggesting that one or both of James Earl Ray's brothers were in contact with him after, and in aid of, his escape in 1967 from the Missouri State Prison, and before the murder of Dr. King, was not followed. It was not unearthed until after Ray's capture in England on June 8, 1968; it was then apparently deemed a lead made

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sterile by supervening events. By hindsight the task force believes Jerry and John Ray could have been effectively interrogated further to learn their knowledge, if any, of James Earl Ray's plans, his finances and whether they helped him after King's death.

Finally, the task force observed instances of FBI headquarter's reluctance to provide the Civil Rights Division and the Attorney General with timely reports on the course of the murder investigation. For example, early in the investigation in a reaction to a press report of Attorney General Clark's expectation of making a progress report to the nation, FBI Director Hoover wrote: "We are not going to make any progress reports" (HQ 44-38861-1061).

The Bureau files reflect a significant degree of disdain for the supervisory responsibilities of the Attorney General and the operating Divisions of the Department. For example, the Attorney General authorized the institution of prosecutive action against the suspect "Galt" (Birmingham 44-1740-1005). But then, apparently without further consultation with the Attorney General or the Civil Rights Division, the Bureau prepared and filed a criminal complaint. The Bureau selected Birmingham as the venue in which to file the complaint in preference to Memphis because the Bureau "could not rely on the U.S. Attorney at Memphis"

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and "would lose control of the situation" (HQ 44-38861-1555). The Bureau scenario called for then advising the Attorney General "that circumstances have required the action taken" (HQ 44-38861-1555).

We submit that in this sensitive case the Departmental officials in Washington should have been consulted.

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

The task force views this lack of coordination and cooperation as highly improper. The Attorney General and the Division of the Department having prosecutorial responsibility for an offense being investigated should be kept fully abreast of developments. The responsible

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Division, moreover, should have sufficient control of the Bureau's investigations to insure that the legal necessities of pleading and proof are met.

In fairness to the Bureau it has to be observed that it is the obligation of the Department to insist on these perogatives. We do not think it effectively did so in the King murder case.

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III. THE SECURITY INVESTIGATION

A. FBI Surveillance And Harassment Of Dr. King

1. Initiation of Technical Surveillance and COINTELPRO Type Activities

In order to reconstruct the actions taken by members of the FBI toward Dr. King, the task force scrutinized the basis for the initiation by the Bureau of any action with respect to Dr. King. During the review it was revealed that on May 22, 1961, Mr. Alex Rosen, then Assistant Director of the General Investigative Division (Division 6), advised Director Hoover in an information memorandum, per his request on Dr. King and four other individuals in connection with the "Freedom Riders," that "King has not been investigated by the FBI" (Memo from Scatterday to Rosen, May 22, 1961, App. A, Ex. 7). The memorandum contained few references on Dr. King. The Director commented, with regard to the omission of a subject matter investigation on Dr. King: "Why not?" The substance of the report was forwarded to Attorney General Kennedy, and the FBI did not pursue the King matter at this time. Thus, FBI personnel did not have nor did they assume a personal interest in the activities of Dr. King through May, 1961. Furthermore, in 1961, information in the Bureau files on

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Dr. King had only been gleaned from sporadic reports, and this particular report to the Director was provided by Division 6 which had responsibility for civil rights matters.

In the beginning of 1962, the FBI started and rapidly continued to gravitate toward Dr. King. The sequence of events has already been reported in some detail by the Senate Select Committee as well as in the Robert Murphy Report which you received in March, 1976. The task force in its review of pertinent documents confirms these reports.

In essence, the Director communicated to Attorney General Kennedy during 1962 and 1963 a host of memoranda concerning the interest of the Communist Party in the civil rights movement, and, in particular, Dr. King's relationship with two frequently consulted advisors whom the FBI had tabbed as members of the Communist Party. As a result of the deep interest in civil rights affairs by the Attorney General and by the Kennedy Administration, these FBI reports had the effect of alarming Robert Kennedy and affecting his decisions on the national level.

The net effect of the Bureau memoranda nearly culminated in the summer of 1963 when Attorney General

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Kennedy suggested consideration of technical surveillance on King and the SCLC (HQ 100-106670-3631). Previously, the bulk of FBI intelligence on Dr. King was secured by technical surveillance of one of his advisors and from informants close to his associates. However, when Attorney General Kennedy was confronted shortly thereafter with the Director's request for such surveillances, he reconsidered his suggestion and denied the request (HQ 100-106670-165, 171). Attorney General Kennedy as well as several other Department officials were sincerely concerned with King's association with alleged communist members since proposed civil rights legislation was then very vulnerable to the attack that communists were influencing the direction of the civil rights movement. Yet, an affirmative program to gather intelligence with King as the subject was still considered ill-advised. However, a significant turn of events within the circles of the FBI hierarchy would soon reverse the Attorney General's decision, and without his knowledge the FBI would also launch an illegal counter-intelligence program directed to discredit and neutralize the civil rights leader.

Director Hoover's demeanor toward Dr. King has been well publicized and is summarized below. Certainly, as the task force determined, this played a vital role in

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FBI affairs, as did the Director's attitude toward the Communist Party. On August 23, 1963, then Assistant Director of the Domestic Intelligence Division, William C. Sullivan, pursuant to the Director's request, presented a seventy-page analysis of exploitation and influence by the Communist Party on the American Negro population since 1919 (HQ 100-3-116-253X). This report and Mr. Sullivan's synopsis showed a failure of the Communist Party in achieving any significant inroads into the Negro population and the civil rights movement. Director Hoover responded:

> "This memo reminds me vividly of those I received when Castro took over Cuba. You contended then that Castro and his cohorts were not Communists and not influenced by Communists.. Time alone proved you wrong. I for one can't ignore the memos as having only an infinitesimal effect on the efforts to exploit the American Negro by Communists" (HQ 100-3-116-253X).

The Director's comment had a resounding effect on Mr. Sullivan. Seven days later, he replied:

> "The Director is correct. We were completely wrong about believing the evidence was not sufficient to determine some years ago that Fidel Castro was not a communist or under communist influence. In investigating and

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> writing about communism and the American Negro, we had better remember this and profit by the lesson it should teach us." (Memo from Sullivan to Belmont, August 30, 1963, App. A, Ex. 8).

Even more importantly, Mr. Sullivan also said in response to the action that he now believed was necessitated in determining communist influence in the civil rights movement:

> "Therefore, it may be unrealistic to limit ourselves as we have been doing to legalistic proof or definitely conclusive evidence that would stand up in testimony in court or before Congressional committees that the Communist Party, USA, does wield substantial influence over Negroes which one day could become decisive." (idem.)

The FBI hierarchy had no written comments on this memorandum either supporting or negating the Assistant Director's proposed line of action.

Then, in September, 1963, Mr. Sullivan recommended "increased coverage of communist influence on the Negro" (Memo from Baumgardner to Sullivan, September 16, 1963, App. A, Ex. 9). The Director refused and commented:

> "No I can't understand how you can so agilely switch your thinking and evaluation. Just a few weeks ago you contended that the Communist influence in the racial movement was ineffective and infinitesimal. This - notwithstanding

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> many memos of specific instances of infiltration. Now you want to load the field down with more coverage in spite of your recent memo depreciating CP influence in racial movement. I don't intend to waste time and money until you can make up your minds what the situation really is" (idem.)

In commenting on a cover memo to the above Sullivan request, Director Hoover also stated, "I have certainly been misled by previous memos which clearly showed communist penetration of the racial movement. The attached is contradictory of all that. We are wasting manpower and money investigating CP effect in racial movement if the attached is correct" (Memo for the Director from Tolson, September 18, 1963, App. A, Ex. 10).

By now the Domestic Intelligence Division was feeling the full weight of the Director's dissatisfaction with their work product. Mr. Sullivan again replied on September 25, 1963, in a humble manner that Division 5 had failed in its interpretation of communist infiltration in the Negro movement (Memo from Sullivan to Belmont, September 25, 1963, App. A, Ex. 11). The Assistant Director asked the Director's forgiveness and requested the opportunity to approach this grave matter in the light of the Director's interpretation. Director Hoover sanctioned this request but again reprimanded Mr. Sullivan for stating

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that communist infiltration "has not reached the point of control or domination." The Director curtly commented that "Certainly this is not true with respect to the King connection" (idem). One could now foresee that Dr. King would be closely watched by FBI personnel.

In October, 1963, the Director forwarded a request to the Attorney General for technical surveillance of Dr. King's residence and the SCLC office in New York City. This time the FBI received authorization for technical surveillance and it was instituted almost immediately. In addition, the FBI had prepared a new analysis on communist involvement in the Negro movement (Communism and the Negro Movement, October 16, 1963, App. A, Ex. 12). A cover memorandum of this analysis written by Assistant to the Director A.H. Belmont to Associate Director Clyde A. Tolson reads:

> "The attached analysis of Communism and the Negro Movement is highly explosive. It can be regarded as a personal attack on Martin Luther King. There is no doubt it will have a heavy impact on the Attorney General and anyone else to whom we disseminate it ... This memorandum may startle the Attorney General, particularly in view of his past association with King, and the fact that we are disseminating this outside the Department" (Memo from Belmont to Tolson, October 17, 1963 App. A, Ex. 13).

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To the latter part, the Director wrote, "We must do our duty." Mr. Belmont further said:

> "Nevertheless, the memorandum is a powerful warning against Communist influence in the Negro movement ..."

The Director issued his feeling to this position and added, "I am glad that you recognize at last that there exists such influence."

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2. Predicate for the Security Investigation

The security investigation of Dr. Martin Luther King, Jr., and the Southern Christian Leadership Conference (SCLC) was predicated on the belief that they were under the influence of the Communist Party, United States of America (CPUSA). The basis for this belief was that Dr. King relied upon one particular advisor who was tabbed by the FBI as a ranking Communist Party member (HQ 100-392452-133).

This characterization of the advisor was provided by sources the Bureau considered reliable. The task force was privy to this characterization through both our file review and our September 2, 1976, conference with representatives of the Bureau's Intelligence Division. For security purposes the sources were not fully identified to the task force. Therefore, the veracity of the sources and the characterization are remaining questions.

The advisor's relationship to King and the SCLC is amply evidenced in the files and the task force concludes that he was a most trusted advisor. The files are replete with instances of his counseling King and his organization on matters pertaining to organization,

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finance, political strategy and speech writing. Some examples follow:

The advisor organized, in King's name, a fund raising society (HQ 100-106670-47, 48). This organization and the SCLC were in large measure financed by concerts arranged by this person (HQ 100-106670-30). He also lent counsel to King and the SCLC on the tax consequences of charitable gifts.

On political strategy, he suggested King make a public statement calling for the appointment of a black to the Supreme Court (HQ 100-106670-32, 33). This person advised against accepting a movie offer from a movie director and against approaching Attorney General Kennedy on behalf of a labor leader (HQ 100-106670-24). In each instance his advice was accepted.

King's speech before the AFL-CIO National Convention in December, 1961 was written by this advisor (HQ 100-392452-131). He also prepared King's May 1962 speech before the United Packing House Workers Convention (HQ 100-106670-119). In 1965 he prepared responses to press questions directed to Dr. King from a Los Angeles radio station regarding the Los Angeles racial riots and from the "New York Times" regarding the Vietnam War.

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The relationship between King and his advisor, as indicated, is clear to the task force. What is not clear is whether this relationship ought to have been considered either a possible national security threat or CPUSA directed. We conclude that justification may have existed for the opening of King's security investigation but its protracted continuation was unwarranted.

Our conclusion that the investigation's opening may have been justified is primarily based on memoranda, summarized below, written during the first six months of 1962. It is pointed out that in October, 1962 the Bureau ordered the COMINFIL SCLC investigation (HQ 100-438794-9).

In January the Director wrote the Attorney General and told him that one of King's advisors was a communist. At this time he also pointed out that the advisor wrote King's December, 1961 AFL-CIO speech and assisted King in SCLC matters (HQ 100-392452-131).

In March the Attorney General was advised that a March 3, 1962 issue of "The Nation" magazine carried an

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article critical of the administration's handling of civil rights. The article was ostensibly written by Martin Luther King but in fact the true author was another advisor characterized by the FBI as a ranking member of the Communist Party (HQ 100-106670-30, 31).

In May the Attorney General learned that the CPUSA considered King and the SCLC its most important work because the Kennedy Administration was politically dependent upon King (HQ 100-106670-58).

Lastly, in June, 1962 the Attorney General became aware that King's alleged Communist advisor had recommended the second ranking Communist to be one of King's principal assistants (HQ 100-106670-79, 80). Later King accepted the recommendation.

The conclusion that the investigation's continuance was unwarranted is based on the following task force finding:

The Bureau to date has no evidence whatsoever that Dr. King was ever a communist or affiliated with the CPUSA. This was so stated to us by representatives of the Bureau's Intelligence Division during our September 2, 1976 conference. This admission is supported by our perusal of files, which included informants' memoranda and physical, microphone and telephone surveillance memoranda, in which we found no such indication concerning Dr. King.

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The Bureau provided us with no documentation that the SCLC under Dr. King was anything other than a legitimate organization devoted to the civil rights movement.

The Bureau files that we examined lacked any information that the alleged Communists' advice was dictated by the CPUSA or inimical to the interests of the United States. Indeed, in early 1963 the Bureau learned through reliable sources the principal advisor had disassociated himself from the CPUSA. His reason was the CPUSA was not sufficiently involving itself in race relations and the civil rights movement (HQ 100-392452-195).

3. King-Hoover Dispute

The flames of Director Hoover's antipathy for Dr. King were fanned into open hostility in late 1962 when Dr. King criticized the Bureau's performance during an investigation of a racial disturbance in Albany, Georgia. Efforts to interview King by the Bureau were not successful (HQ 157-6-2-965) and the matter lay dormant for a time.

The controversy was publicly rekindled in early 1964 when the Director testified before a House appropriations subcommittee that he believed communist influence existed

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in the Negro movement. King countered by accusing the Director of abetting racists and right wingers (HQ 100-3 116-1291). During November of 1964, the Director told a group of Washington women reporters that King was "the most notorious liar in the country." A week later, Director Hoover referred to "sexual degenerates in pressure groups" in a speech at Loyola University (HQ 162-7827-16).

Dr. King and his immediate staff requested a meeting with Director Hoover to clear up the misunderstanding. The meeting was held on December 1, 1964. Hoover claimed that "he had taken the ball away from King at the beginning," explaining the Bureau's function and doing most of the talking. On the other hand, King apologized for remarks attributed to him and praised the work of the Bureau. Thus, an uneasy truce was momentarily reached. (HQ 100-106670-563, 607.)

However, the controversy flared again when a letter was circulated by the Southern Christian Educational Fund (SCEF) which referred to the criticism of Dr. King by the Director and urged the recipients of the letter to write or wire the President to remove Hoover from office. In a memo from Sullivan to Belmont on December 14, 1964, Sullivan stated:

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"In view of this situation, realism makes it mandatory that we take every prudent step that we can take to emerge completely victoriously in this conflict. We should not take any ineffective or half-way measures, nor blind ourselves to the realities of the situation." (HQ 100-106670-627.)

We believe the persistent controversy between Dr. King and Director Hoover was a major factor in the Bureau's determination to discredit Dr. King and ultimately destroy his leadership role in the civil rights movement.

4. Technical Surveillance

Our review of FBI files and interviews with Bureau personnel substantially confirms with a few additions the findings which have already been reported by Mr. Murphy and the Senate Select Committee on Intelligence with respect to the electronic surveillance of Dr. King and his associates.

We found that some microphone surveillances were installed in New York City against Dr. King and his associates which have not thus far been reported. These installations were as follows:

Americana Hotel (HQ 100-106670-2224, 4048)
4/2-3/65 (symbol)
6/3-3/65 (symbol)
1/21-24/66 (no symbol)

Sheraton Atlantic (NY 100-136585 Sub-Files 7-8)
12/10-11/65 (symbol)

New York Hilton (NY 100-136585 Sub Files 11-12)
10/25-27/65 (symbol)

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All of these installations with the exception of the placement at the Americana Hotel in January, 1966 appear to have been unproductive either because Dr. King did not reside at the hotel as planned or the recordings made did not pick up any significant information.

The installation by the New York Field Office at the Americana Hotel on January 21, to 24, 1966, caused some consternation within the FBI hierarchy and is illustrative of how the Bureau apparatus could, on rare occasion, continue to function even contrary to the wishes of the Director. The installation was made at the Americana on January 21, 1966, pursuant to the request of SAC Rooney in New York. Assistant Director William Sullivan authorized the coverage. Bureau files indicate that Associate Director Clyde Tolson, upon being informed of the coverage, wrote back on the same day in a rather perturbed fashion to have the microphone removed "at once." Tolson advised the Director that "no one here" approved the coverage and that he had again instructed Sullivan to have no microphone installations without the Director's approval. Hoover confirmed Tolson's directive. (HQ 100-106670-2224X).

No symbol number was ever attached to this coverage as was the standard practice. This was apparently due to the strong disapproval voiced by Headquarters. Yet, despite

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Hoover's orders, the coverage was maintained and a good deal of intelligence on King's personal activities was obtained and transcribed. These activities are reflected in a six page memorandum. (HQ 100-106670-4048.)

Irrespective of the level of Bureau approval which was required for electronic surveillance installations during the King years, our review reinforced the conclusions of the Senate Select Committee that the purposes behind this intelligence gathering became twisted. Several instances of Bureau correspondence are instructive. Section Chief Baumgardner in recommending coverage of King in Honolulu urged an exposure of King's "moral weakness" so that he could be "for the security of the nation, completely discredited" (HQ 100-106670 June File, Memo Baumgardner to Sullivan, January 28, 1964). In a similar memo from Sullivan to Belmont recommending coverage in Milwaukee at the Schroeder Hotel, the expressed purpose was to gather information on "entertainment" in which King might be engaging similar to that "uncovered at the Willard Hotel" (HQ 100-106670 June File, Memo Sullivan to Belmont, January 17, 1964).

Director Hoover, upon being informed of the results of the surveillance, ordered that they all be immediately transcribed despite DeLoach's recommendation that the transcribing be done later (HQ 100-106670-1024). As each of the

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file reviews has shown, portions of summaries of the transcripts were widely disseminated among governmental officials. These disseminations included a rather comprehensive six volume transmittal by the Bureau in June, 1968. This was at the apparent request of the President through Special Counsel Larry Temple for all information concerning Dr. King, including the instructions and approval of former Attorney General Kennedy regarding the electronic surveillance of King (Memo R. W. Smith to William Sullivan, June 2, 1968, referring to memo DeLoach to Tolson, May 24, 1968, setting forth the President's request). Included with the transcripts were several summaries, previously disseminated, and several hundred pages of Bureau communications to the White House from 1962 to 1968 regarding King and his associates. The purpose of the White House request was not stated, but it was the most complete accumulation of transmitted information on the electronic surveillance of King which we encountered during our review of Bureau files. The task force noted the timing of the alleged White House request and subsequent transmittal particularly in light of

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Director Hoover's communication to the White House on March 26, 1968 (included in the transmittal) which advised that Robert Kennedy had attempted to contact Dr. King before announcing his candidacy for the Presidency (HQ 100-106670-3262).

The task force reviewed selected portions of all of the transcripts in the King file as well as selected portions of several tapes from which the transcripts were obtained. An inventory of the tapes reviewed is set forth below:

1) Washington, D.C., 1/5-6/64 (Willard Hotel, 15 reels) - Reel Nos. 1-6, 9, 10, 11, 12 and 14

2) Atlanta Tape (symbol) (one reel)

3) Composite Tape 12/15/64
Track No. 1 - Washington, D.C. recordings
(edited version of 15 reels)

Essentially, we reviewed the tapes by listening to the beginning, middle, and end of each tape and compared it to the corresponding transcript. They were basically accurate transcriptions in the sense that what was in the transcripts was also on the tapes. However, some material on the tapes was not put on the transcripts apparently because either that portion of the recording was garbled or unclear or it was considered unimportant.

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Our review of the composite tape, the Atlanta tape and the agents handwritten notes included in the box with the recordings from the Willard Hotel gave an additional indication of where the Bureau's interest lay with respect to Dr. King. The composite tape contained "highlights" of the fifteen reels of tape from the Willard Hotel and appeared to consist of little more than episodes of private conversations and activities which the Bureau chose to extract from the original recordings. The Atlanta tape was obtained from the telephone tap on the King residence and consisted of several of Dr. King's conversations. These included conversations of Dr. King with his wife regarding his personal life and had nothing to do with his political or civil rights activities. The handwritten notes from the original Willard tapes contained notations as to what point in the tape a particular personal activity or conversation took place.

5. COINTELPRO Type and Other Illegal Activities

The task force has documented an extensive program within the FBI during the years 1964 to 1968 to discredit Dr. King. Pursuant to a Bureau meeting on December 23, 1963 to plan a King strategy and the Sullivan proposal in January, 1964 to promote a new black leader, the FBI accelerated its

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program of disseminating derogatory information, which was heavily fraught with the Bureau's own characterizations of King, to various individuals and organizations who were in critical positions vis-a-vis the civil rights leader. Our review has essentially confirmed those already performed by the Civil Rights Division and the Senate Select Committee and we, therefore, do not dwell on those areas which they have already covered. We did find, however, additional proposed activities against Dr. King, some of which were approved by the Director. They are instructive not only in revealing the extent to which the Bureau was willing to carry its efforts but also in showing the atmosphere among some of the rank and file which this program against King created.

In November, 1964, the Bureau discovered that Dr. King was desirous of meeting with high British officials while in England during King's planned trip to Europe. Section Chief Baumgardner recommended a briefing for the purpose of informing British officials concerning King's purported communist affiliations and private life (HQ 100-106670-522, 523). Within three days the briefings had been completed (HQ 100-106670-525, 534, 535).

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One particular dissemination, the contents of which was not revealed in the files, was apparently initiated and carried out personally by the Director. On January 22, 1965, the SAC in Atlanta advised Mr. Sullivan that, pursuant to their electronic surveillance, the Bureau learned that King had phoned Ralph Abernathy and complained that Hoover had had a meeting with a particular Atlanta official while in Washington attending the Inauguration. According to King, when this official returned to Atlanta he contacted Dr. King senior and passed on a "good deal" of information. According to Sullivan's memo to Belmont, Dr. King, Jr. was very upset (HQ 100-106670-768). The files did not reveal any formal proposal for this briefing but Section Chief Baumgardner later speculated that the Atlanta official was Chief of Police Jenkins since the Director had met with him on January 18, 1965 (HQ 100-106670-780). The files do not indicate whether the Director suggested that the information be passed on to Dr. King's father.

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In connection with the post-assassination efforts to declare a national holiday in memory of Dr. King the Senate Select Committee has outlined in its report the attempts by the Bureau to prevent such a declaration by briefing various members of Congress on King's background (HQ 100-106670-3586). We discovered that the Bureau also sent a monograph on King to the President and the Attorney General in 1969 for this same purpose (HQ 100-106670-3559).

The Bureau's efforts to discredit Dr. King's movement also included attempts to damage the reputation of King's family and friends. The Bureau looked very closely at Coretta King although a security investigation was never opened. This included scrutinizing her travels in an attempt to uncover possible facts embarrassing to her. These attempts also included a plan, proposed

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by Assistant to the Director DeLoach and approved by Hoover to leak information to the press that Coretta King and Ralph Abernathy were deliberately plotting to keep the assassination in the news by claiming a conspiracy existed in order to keep monetary contributions flowing for their benefit (HQ 44-38861-5654).

Ralph Abernathy and Andrew Young also became Bureau targets. Shortly after the assassination the field was instructed to report any information on possible "immoral activities" of King's two associates (HQ 62-108052-Unrecorded serial, Atlanta to Director, April 29, 1968). Presumably there were COINTELPRO type purposes behind this request.

The Atlanta Field Office in attempting to demonstrate the initiative and imagination demanded by Headquarters proposed additional measures against Ralph Abernathy. The Bureau learned that after Dr. King's death, Rev. Abernathy may have voiced some concern over possible assassination attempts on his own life. The Atlanta office proposed that the Bureau begin notifying Abernathy directly (instead of only informing the police) of all threats against him in order to confuse and worry him (HQ 62-108052-Unrecorded serial, Atlanta to Director, March 28, 1969). This activity was not approved by Headquarters.

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Bureau files indicate that the FBI may have also attempted to help the executive branch in its efforts to deal with Abernathy after King's death. In a memo to Associate Director Tolson, Director Hoover related a telephone conversation with former Vice President Agnew in which Mr. Agnew expressed concern over the "inflammatory" statements which Abernathy had made. The Vice President was seeking information from Hoover which could be useful in destroying the credibility of Rev. Abernathy. Hoover agreed to the request (HQ 100-106670-Unrecorded serial, Hoover to Tolson, May 18, 1970). We did not find what information, if any, was forwarded to the Vice President.

Finally, we discovered that a series of illegal surreptitious entries was conducted by the FBI. Some of these entries had as one purpose, among others, the obtaining of information about Dr. King. The FBI in the review of its indices was unable to locate records of any entries onto the premises of Dr. King or the SCLC.

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The agents began to retrieve information about Dr. King during these entries through the use of photographs. In one instance a supervisor in the appropriate field office requested authority to conduct an entry for the express purpose of obtaining information about Dr. King. The proposed entry was approved at Headquarters pursuant to a telephone call by an Inspector and was later conducted.

On four subsequent occasions the Bureau again conducted entries and obtained information concerning King and the SCLC. On one such occasion a specimen of King's handwriting was obtained. The purpose of gathering this piece of intelligence was not revealed.

Bureau policy at the time of these entries required the approval of such field requests by Director Hoover or Associate Director Tolson (Memo Director, FBI, to Attorney General, September 23, 1975). We assume that such approval was granted. Handwritten

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notations on the field office memos indicate that the Bureau was advised of the entries in each case.

We also raise the issue of these illegal entries because aside from being violative of Fourth Amendment rights the entries ran the risk of invading a privileged relationship.

We note in passing that the FBI continued to employ an informant in the SCLC despite the fact that the informant conceded to agents that the informant had embezzled some SCLC funds. The Bureau voiced strong disapproval of these activities. Yet, no legal or disciplinary action was ever taken with respect to the informant (HQ 134-11126-56, 57).

B. Critical Evaluation of the Security Investigation

In the area of domestic intelligence the mandate of the FBI has been both broadly and vaguely defined. It is stated in the Code of Federal Regulations as follows:

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> (The FBI shall:) carry out the Presidential directive of September 6, 1939, as reaffirmed by Presidential directives of January 8, 1943, July 24, 1950 and December 15, 1953, designating the Federal Bureau of Investigation to take charge of investigative work in matters relating to espionage, sabotage, subversive activities, and related matters (28 CFR 0.85 (d)).

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 succesive 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 advisors, 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 advisor 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

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the principal advisor 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 non-violence 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 advisor 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.

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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 firm supervision of the FBI's internal security activities.

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IV. RECOMMENDATIONS

A. As To The Murder Investigation

The task force does not fault the technical competence of the investigation conducted into the death of Dr. King. We found no new evidence which calls for action by State or Federal Authorities. Our concern has developed over administrative concomitants of the crime detection tactics.

1. The progress of such sensitive cases as the King murder investigation and the development of legally sufficient evidence to sustain prosecution are properly the ultimate responsibility of the Division of the Department having supervision of the kind of criminal prosecution involved. The Division head should delineate what progress reports he wishes. The Bureau should not be permitted to manipulate its submission of reports to serve its purposes, such as the protection of its public relation efforts, or the prevention of the responsible Division of the Department from causing the Bureau to pursue a line of inquiry which the Bureau does not approve. The Attorney General and his Assistants are the officers most accountable to the electorate and they, not the police agency, must maintain effective supervision.

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2. As a corollary of our espousal of tighter Department authority over the FBI, we recommend that the Bureau's public relations activities and press relations be controlled by the Attorney General's Office of Public Information. Clear directives to prevent the development of personality cults around particular Bureau Directors and officials should be drawn. Bureau press releases should be cleared through the Office of Public Information.

3. The task force recommends that in sensitive cases no criminal action be instituted by the Bureau without the closest coordination and consultation with the supervising Division of the Department. This supervision by the Department should be as tight as the control and consultation the Bureau had with its Field Offices as exhibited in our review of the assassination investigation.

4. It was observed that almost no blacks were in the FBI special agent's corps in the 1960's and none in the Bureau's hierarchy. This undoubtedly had the effect of limiting not only the outlook and understanding of the problems of race relations, but also must have hindered the ability of investigators to communicate fully with blacks during the murder investigation. By way of illustration had there been black agents in the Memphis Field Office participating fully in the investigation of Dr. King's murder, it is unlikely that the interviews with

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at least three black members of the Memphis Police and Fire Department would have been overlooked. It is also very probable that black citizen "lead" input would have been greater.

B. As To The Security Investigation

The task force was charged to address itself particularly to the question of whether the nature of the relationship between the Bureau and Dr. King called for criminal prosecution, disciplinary proceedings, or other appropriate action. Our responses follow.

1. Because the five year statute of limitations has long since run we cannot recommend criminal prosecution of any Bureau personnel, past or present, responsible for the possible criminal harrassment of Dr. King. (18 U.S.C. 3282). No evidence of a continuing conspiracy was found.

2. The responsibility for initiating and prolonging the security investigation rested on the deceased Director of the Bureau and his immediate lieutenants, some of whom are also deceased and the remainder of whom are retired. They are beyond the reach of disciplinary action. The few Bureau personnel who had anything to do with the King security investigation and who are still in active service, did not make command decisions and merely followed orders. We do not

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think they are the proper subjects of any disciplinary action. Some of the activities conducted, such as the technical electronic surveillance, had the approval of the then Attorney General. The Courts had not adequately dealt with what authority rested in the executive branch to initiate such surveillance in the interest of "national security". We do not think the "leg men" in the Bureau should be held to an undefined standard of behavior, much less a standard not observed by the highest legal officer of the government.

The Bureau's COINTELPRO type activities, the illicit dissemination of raw investigative data to discredit Dr. King, the efforts to intimidate him, to break up his marriage, and the explicit and implicit efforts to blackmail him, were not fully known to the Department, but were none-the-less ordered and directed by Director Hoover, Assistant to the Director DeLoach, Assistant Director Sullivan and the Section Chief under him.

In our view their subordinates were far removed from decision responsibility. Moreover, we think the subordinates clearly felt that, by reason of Director Hoover's overpowering and intimidating domination of the Bureau, they had no choice but to implement the Bureau's directions. Punitive action against the very few

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remaining subordinate agents would seem to the task force to be inappropriate in these circumstances and at this very late date.

3. The Bureau's illicit surveillance produced tapes and transcripts concerning King and many others. These may be sought by King's heirs and representatives. Worse still, they may be sought by members of the public at large under the Freedom of Information Act. We recommend that these tapes and transcripts be sealed and sent to the National Archives and that the Congress be asked to pass legislation denying any access to them whatever and authorizing and directing their total destruction along with the destruction of material in reports and memoranda derived from them.

4. The potential for abuse by the individual occupying the office of Director of the FBI has been amply demonstrated by our investigation. We think it is a responsibility of the Department in the first instance and, secondarily, of the Congress to oversee the conduct of the FBI (and the other police agencies of the government). We endorse the establishment by the Attorney General of the Office of Professional Responsibility on December 9, 1975, as an effective means for intra-departmental policing of the Bureau. We also think the permanent

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