



~~SECRET~~  
UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

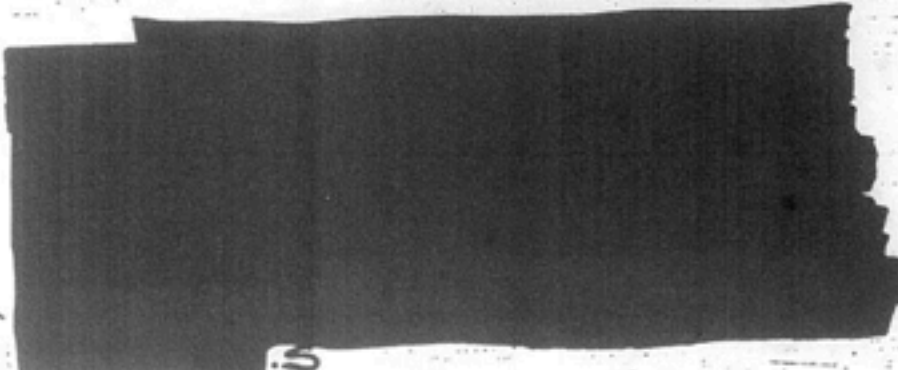
WASHINGTON 25, D. C.

In Reply, Please Refer to  
File No. 100-106670  
100-3-116

October 7, 1963

MEMORANDUM FOR THE ATTORNEY GENERAL

RE: MARTIN LUTHER KING, JR.  
SECURITY MATTER - COMMUNIST.  
COMMUNIST INFLUENCE IN  
RACIAL MATTERS



b(1)

It is further requested that authority be granted to place a technical surveillance on the SCLC office at the current New York address or to any other address to which it may be moved. ~~(u)~~

Respectfully,

*J. Edgar Hoover*  
John Edgar Hoover  
Director

ENCLOSURE

CLASS. & EXT. BY SP-16SK/DJH  
REASON - FCIM 11, 1-2.4.2  
DATE OF REVIEW 10/17/85 5/20/80

CLASS. X  
EXT. X  
DATE X

APPROVED *[Signature]*  
DATE 10/10/63

NOV 7 1963

~~SECRET~~

GROUP 1  
Excluded from automatic  
downgrading and  
declassification

Classified by 6089  
Exempt from GDS, Category 1  
Date of Declassification Indefinite  
X/D/K/E 12/20/77

INTELLIGENCE ACTIVITIES AND THE  
RIGHTS OF AMERICANS

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BOOK II

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FINAL REPORT  
OF THE  
SELECT COMMITTEE  
TO STUDY GOVERNMENTAL OPERATIONS  
WITH RESPECT TO  
INTELLIGENCE ACTIVITIES  
UNITED STATES SENATE  
TOGETHER WITH  
ADDITIONAL, SUPPLEMENTAL, AND SEPARATE  
VIEWS



APRIL 26 (legislative day, APRIL 14), 1976

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U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 1976

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Attorneys General have not only neglected to establish procedures for reviewing FBI programs and activities, but they have at the same time granted the FBI authority to employ highly intrusive investigative techniques with inadequate guidelines and review procedures, and in some instances with no external restraints whatsoever. Before 1965, wiretaps required the approval of the Attorney General in advance, but once the Attorney General had authorized wiretap coverage of a subject, the Bureau could continue the surveillance for as long as it judged necessary.

This permissive policy was current in October 1963 when Attorney General Robert Kennedy authorized the FBI to wiretap the phones of Dr. Martin Luther King, Jr. "at his current address or at any future address to which he may move" and to wiretap the New York and Atlanta SCLC offices.<sup>21</sup> Reading the Attorney General's wiretap authorization broadly, the FBI construed Dr. King's "residence" so as to permit wiretaps on three of his hotel rooms and the homes of friends with whom he stayed temporarily.<sup>22</sup> The FBI was still relying on Attorney General Kennedy's initial authorization when it sought reauthorization for the King wiretaps in April 1965 in response to new procedures formulated by Attorney General Katzenbach. Although Attorney General Kennedy's authorizing memorandum in October 1963 said that the FBI should provide him with an evaluation of the wiretaps after 60 days, he failed to complain when the FBI neglected to send him the evaluation. Apparently the Attorney General never mentioned the wiretaps to the FBI again, even though he received FBI reports from the wiretaps until he resigned in September, 1964.<sup>23</sup>

The Justice Department's policy toward the use of microphones has been even more permissive than for wiretaps. Until 1965, the FBI was free to carry out microphone surveillance in national security cases without first seeking the approval of the Attorney General or notifying him afterward. The total absence of supervision enabled the FBI to hide microphones in Dr. Martin Luther King's hotel rooms for nearly two years for the express purpose of not only determining whether he was being influenced by allegedly communist advisers, but to "attempt" to obtain information about the private "activities

(Continued)

hopefully drive a wedge between the Blackstone Rangers and the Black Panthers Party. The anonymous letter would indicate that the Black Panther Party in Chicago blamed the leader of the Blackstone Rangers for blocking their programs."

The document from which this summary was derived, however, stated that the Blackstone Rangers were prone to "violent type activity, shooting, and the like." The anonymous letter was to state that "the Panthers blame you for blocking their thing and there's supposed to be a hit out for you." The memorandum concluded that the letter "may intensify the degree of animosity between the two groups" and "lead to reprisals against its leadership." (Memorandum from Chicago Field Office to FBI Headquarters, 1/18/69.)

<sup>21</sup> Memorandum from J. Edgar Hoover to Attorney General Robert Kennedy, 10/7/63; memorandum from J. Edgar Hoover to Attorney General Robert Kennedy, 10/18/63.

<sup>22</sup> Letter from FBI to Senate Select Committee, 7/24/75, pp. 4-5.

<sup>23</sup> See M. L. King Report: "Electronic Surveillance of Dr. Martin Luther King and the Christian Leadership Conference." It should be noted, however, that President Kennedy was assassinated a month after the wiretap was installed which may account for Attorney General Kennedy's failure to inquire about the King wiretaps, at least for the first few months.

of Dr. King and his associates" so that Dr. King could be "completely discredited."<sup>24</sup> Attorney General Kennedy was apparently never told about the microphone surveillances of Dr. King, although he did receive reports containing unattributed information from that surveillance from which he might have concluded that microphones were the source.<sup>25</sup>

The Justice Department imposed external control over microphones for the first time in March 1965, when Attorney General Katzenbach applied the same procedures to wiretaps and microphones, requiring not only prior authorization but also formal periodic review.<sup>26</sup> But irregularities were tolerated even with this standard. For example, the FBI has provided the Committee three memoranda from Director Hoover, initialed by Attorney General Katzenbach, as evidence that it informed the Justice Department of its microphone surveillance of Dr. King after the March 1965 policy change. These documents, however, show that Katzenbach was informed about the microphones only after they had already been installed.<sup>27</sup> Such after-the-fact approval was permitted under Katzenbach's procedures.<sup>27a</sup> There is no indication that Katzenbach inquired further after receiving the notice.<sup>28</sup>

The Justice Department condoned, and often encouraged, the FBI's use of informants—the investigative technique with the highest potential for abuse. However, the Justice Department imposed no restrictions on informant activity or reporting, and established no procedures for reviewing the Bureau's decision to use informants in a particular case.

In 1954 the Justice Department entered into an agreement with the CIA in which the CIA was permitted to withhold the names of

<sup>24</sup> Memorandum from Frederick Baumgardner to William Sullivan, 1/28/64.

<sup>25</sup> The FBI informed the Committee that it has no documents indicating that Attorney General Kennedy was told about the microphones. His associates in the Justice Department testified that they were never told, and they did not believe that the Attorney General had been told about the microphones. (See memorandum from Charles Brennan to William Sullivan, 12/19/66; Courtney Evans testimony, 12/1/75, p. 20; Burke Marshall testimony, 3/3/76, p. 43.)

The question of whether Attorney General Kennedy suspected that the FBI was using microphones to gather information about Dr. King must be viewed in light of the Attorney General's express authorization of wiretaps in the King case on national security grounds, and the FBI's practice—known to the Attorney General—of installing microphones in such national security cases without notifying the Department.

<sup>26</sup> Memorandum from Director, FBI to Attorney General, 3/30/65, p. 2. The Attorney General's policy change occurred during a period of publicity and Congressional inquiry into the FBI's use of electronic surveillance.

<sup>27</sup> Memorandum from Director, FBI to Attorney General, 5/17/65; Memorandum from Director, FBI, to Attorney General, 10/19/65; Memorandum from Director, FBI, to Attorney General, 12/1/65.

<sup>27a</sup> Katzenbach advised Director Hoover in September 1965 that "in emergency situations [wiretaps and microphones] may be used subject to my later ratification." (Memorandum from Katzenbach to Hoover, 9/27/65.) Nevertheless, there is no indication that these microphone surveillances of Dr. King presented "emergency situations."

<sup>28</sup> Katzenbach testified that he could not recall having seen the notices, although he acknowledged the initials on the memoranda as in his handwriting and in the location where he customarily placed his initials. (Katzenbach, 12/3/75, Hearings, Vol. 6, p. 227.)