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File #:

ME 66 - 2197

Serial Scope:

1 thru 6, 9, 16, 17, 24 thru 28

30, 31, 33, 34, 36 thru 58, 60, 61

63 thru 78, 80, 81, 85 thru 93

Priority ROUTINE

To: SAC, Memphis
From: Director, FBI

OCT 24 1978
TELETYPE

Date: 10/24/78

Title: Transmitted -

Subject: HOUSE SELECT COMMITTEE ON
ASSASSINATIONS (HSCA)

Initials -

- Fingerprint Photo
- Fingerprint Record
- Map
- Newspaper clipping
- Photograph
- Artists Conception
- Other (1) HSCA letter to Attorney General dated 10/17/78.

Special handling instructions:

Delivered to ~~ASAC Richard Blay~~ (2) HSCA letter to Attorney General dated 10/19/78.
ASAC Richard BLAY

JTA:ipfm
(2)

Approved: H.B. DeLoach

*Received
9:30 pm 10-24-78
G.M.C.*

7-18-02 60290 pce/dog/kl
#427112/427113

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*Louis [Signature]
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10-17-78
ME 338-R

Select Committee on Assassinations

U.S. House of Representatives
225 HOUSE OFFICE BUILDING, ANCHOR 2
WASHINGTON, D.C. 20515

October 17, 1978

(202) 555-4111

The Honorable Griffin B. Bell
Attorney General of the United States
Department of Justice
Washington, D. C. 20305

Attention: Mr. Robert L. Keuch
Deputy Assistant Attorney General

Dear Mr. Attorney General:

In connection with this Committee's investigation into the death of Dr. Martin Luther King, Jr., I write to request that you make the name of a former Security informant available to the Committee so that the person might be interviewed in order that serious allegations involving the Federal Bureau of Investigation and the death of Dr. King may be resolved. The Committee has had access to the relevant Bureau personnel and the Headquarters and Field Office files of the informant, duly excised to protect the informant's identity; and it also conducted extensive interviews among others who are also the subject of this aspect of the Committee's investigation. What the Committee now desires is to determine if the oral testimony of the witnesses support or refute the written record as well as information obtained during previous interviews.

The person, whose identity the Committee seeks, was associated with the Invaders, a Black militant group in Memphis, Tennessee during 1968, who were apparently involved in the violence that occurred in Memphis one week prior to Dr. King's death. He was an older person, and he had apparently been a Bureau source since 1958. As a recognized community leader, he was able to move about freely within the Black community. The Committee knows independently that in the early months of 1968, the Invaders were attempting to obtain influence in that same community, and they initially attempted to do so, in part, by approaching established organizations. They even went so far as to invite special agents of the Memphis office to meet with them early in 1968, at which time they delineated their goals and objectives. If the Bureau sought to shape the actions of these individuals in ways detrimental to Dr. King in connection

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with the counterintelligence program being waged against him, it would appear that this particular informant would have been a logical vehicle for that effort.

As you know, with respect to the King investigation, the Committee is, in effect, performing for the death of Dr. King the same function that the Warren Commission performed for the death of President Kennedy. One of the most frequent criticisms of the Warren Commission is that in attempting to resolve the issue of whether or not Lee Harvey Oswald was an FBI informant, the Commission accepted sworn affidavits from the Bureau. The Committee feels, therefore, that it would be derelict to rely on anything less than an opportunity to examine and cross-examine relevant witnesses on this crucial issue.

The Committee is not unmindful of the sensitive nature of its request. Throughout the effort to resolve this issue, the Committee has attempted to move with restraint. It was not until our field interviews with former members of the Invaders and people present in Memphis at the time of the March 28, 1968 march revealed, (1) that the Invaders were in fact a proximate cause of the violence, and (2) that it is universally believed that the Invader followers who caused the violence were paid FBI operatives, that the Committee requested access to any informant files.

By that time, the Committee had reviewed the Sanitation Strike, Invaders, King and SCLC substantive files. It had also reviewed the Memphis Police Department files, and it had interviewed its undercover operative within the Invader organization.

The Committee had initially hoped that the answers it sought could be resolved by reviewing the informants Headquarters and Field Office files. Subsequent interviews with current and former agents revealed, additionally, (1) that the Memphis Field Office had prior knowledge of the impending violence (a fact memorialized in FBI documents) and (2) members of the Invaders were observed by agents of the FBI exhorting the crowd and readying weapons from signposts (a fact testified to under oath by these agents.)

Further, while the Committee has insisted that the files of all five of the informants said by the Department of Justice to be involved with the Invaders should have been made available to its staff pursuant to the Memorandum of Understanding, it made a good faith effort to work out a compromise proposal that permitted my exclusive review of the excised files. The

The Honorable Griffin B. Bell
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Committee has now reached a point, however, where the balance between maintaining the integrity of the Bureau's informant program and the resolution of this critical issue must be struck in favor of the Committee's receiving the identity of that one informant. A request is not being made for all five, and absent new developments, this request should resolve the outstanding issues. The burden of the Committee's mandate is largely a reflection of the desire of the American public to learn the true facts concerning the death of Dr. King. That burden is perhaps never more apparent than in connection with the issues that the Committee is now attempting to address here. The claim that an FBI/Invader connection resulted in the violence on April 28 and contributed to Dr. King's death has now received nationwide attention. It is recounted in existing literature and was broadcast nationally in a dramatic account of Dr. King's life. The Rev. Ralph Abernathy, close friend and successor of Dr. King, testified in public under oath and before Members of the Committee and the national news media, that he recalled members of the Invaders acknowledging that they had caused the violence on March 28, in return for compensation from the FBI. Indeed, an individual who was a recognized leader of the 1968 Sanitation Strike and made the invitation to Dr. King to come to Memphis, is a leading exponent of the theory that the FBI, through its informants, had a direct role in Dr. King's assassination.

Finally, the Committee's investigation has revealed that the Bureau recommended that informants be used with or without their knowledge to implement counterintelligence proposals directed against Dr. King, in 1968. With this backdrop, it is clear that the Committee has no choice but to satisfy itself concerning the events which took place in Memphis. The public interest in the death of Dr. King cannot be met by less than a full investigation. Talking with this individual is essential to the fair resolution of these most serious questions.

I would hope that it might be possible to secure the identity of this informant, either through his consent or paragraph I. B. (1) of the Memorandum of Understanding between the Department and the Committee. Nevertheless, I am authorized to inform you that the Committee is prepared to seek this information through formal process if all other avenues are of no avail.

Finally, I would note that this issue must be resolved well before the resumption of the Committee's public hearings

The Honorable G. Griffin B. Bell
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in the King investigation, now scheduled to begin on November
9, 1978.

Sincerely,



G. Robert Blakey
Chief Counsel and Director

GRB:dm

cc: Ron Heller

Mr. Bassett

7/28/78

D. Ryan

- 1 - Mr. Bailey
- 1 - Mr. Mintz
- Attn:
- Mr. Heller
- 1 - Criminal Investigative Division
- Attn: Mr. J.J. Jamar
- 1 - Mr. Foster

HOUSE SELECT COMMITTEE ON
 ASSASSINATIONS
 U. S. HOUSE OF REPRESENTATIVES (HSCA)

PURPOSE: To furnish information regarding captioned Committee's efforts to gain access to Memphis Field Office files of five (5) former informants and to recommend, in accordance with a decision by the Department of Justice, that excised copies of these files be made available only to the HSCA's Chief Counsel and Director.

SYNOPSIS: The HSCA is trying to resolve allegation that FBI informants reporting on the Invaders, a Memphis youth gang, acted as "agent provocateurs" in instigating violence, causing King to return to Memphis where he was killed. HSCA requested access to FBI Headquarters (FBIHQ) files on five informants reporting on Invaders. This access was granted to HSCA Chief Counsel and Director only as effort to compromise with HSCA and assist in resolving allegation. HSCA then requested access to Memphis Field Office files on the same informants. This request was denied in Director letter to Congressman Stokes, Chairman, HSCA, (copy attached) primarily because it would be detrimental to our informant development program. By letter to the Attorney General from HSCA Chairman dated 7/5/78 (copy attached), a meeting with the Attorney General was requested to resolve the issues. Mr. Robert L. Keuch, Assistant Attorney General, stated HSCA plans to subpoena files and that FBI should make files available. Informants were contacted, but refused to permit disclosure of their identities to the HSCA. In letter to the Director dated 7/24/78 (copy attached), Mr. Keuch advised that in his judgement, as Special Counsel for the Attorney General, the HSCA should be given access to excised copies of these files primarily because the Committee's legislative and investigative needs are not based on "pure speculation" and to give access to excised copies both protects informant identities and demonstrates our cooperation. While we believe Mr. Keuch's decision is sound for reasons

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Enclosures

JTA:mal (5)

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Memorandum to Mr. Bassett

RE: HOUSE SELECT COMMITTEE ON ASSASSINATIONS
U. S. HOUSE OF REPRESENTATIVES (HSCA)

why files should not be made available were informally provided him and are outlined in this memorandum. On 7/27/78, Mr. Keuch stated our arguments are persuasive, but he still believed the decision in his letter of 7/24/78 was the best course of action in this matter. However, he desired to use our arguments in responding to Congressman Stokes' letter and asked this information be furnished him on a formal basis. Mr. Keuch has determined that our action in this matter will have no bearing on the Socialist Workers Party litigation in New York. The Congressional Inquiry Unit (CIU) believes that since copies of these files will be excised to prevent compromise of informants' identities, we should agree with Mr. Keuch's position and make files available.

RECOMMENDATIONS:

1. That we follow the decision of Mr. Keuch in making excised copies of these informant files available to the HSCA's Chief Counsel and Director only.

2. If the above is approved, an appropriate communication be prepared directing to Mr. Keuch information he desires to use in his response to Congressman Stokes.

Memorandum to Mr. Bassett
RE: HOUSE SELECT COMMITTEE ON ASSASSINATIONS
U. S. HOUSE OF REPRESENTATIVES (HSCA)

DETAILS: By letter to the Attorney General dated 4/12/78, the HSCA requested access to files on our informants within the Invaders, a Memphis youth gang. This request was apparently made after a review of the Invaders file at FBIHQ which disclosed the Memphis Office had five informants who were providing coverage of that organization. Mr. G. Robert Blakey, Chief Counsel and Director, HSCA, had advised Legal Counsel Division that the HSCA is trying to resolve whether or not the Invaders fomented racial violence to get King to return from Atlanta to Memphis where he was killed and to determine if any of these informants acted as "agent provocateurs" in starting this violence.

None of the five informants involved are currently active. Only one informant actually became a member of the Invaders and that was not until after King's assassination. Memphis files on these informants total 47 sections.

By Mr. Ryan to Mr. Bassett memorandum dated 4/27/78, it was approved to release FBIHQ files on these informants with all informant identifying data excised. It was hoped these files would satisfy the HSCA that informants were not responsible for violence. This action was taken primarily as a "compromise" to demonstrate cooperation with the Committee. Any additional efforts by the HSCA to review field office files of the informants or to determine informant identities would be opposed. Access to FBIHQ informant files was limited to Mr. Blakey, since some staff members were familiar with substantive file on the Invaders and to allow staff access could jeopardize informants' identities.

As reported in Mr. Ryan to Mr. Bassett memorandum dated 5/19/78, Mr. Blakey reviewed excised copies of all five FBIHQ informant files on 5/17/78, in the presence of two Agents of the CIU. Following a review, Mr. Blakey stated he found no evidence that any of our informants acted as "agent provocateurs." He furnished FBIHQ 15 pages of notes which he took during review and desired these notes be kept at FBIHQ for possible later use in constructing a paragraph in the final HSCA report to the effect that he found no evidence that any of these informants instigated violence. Following this review, Mr. Blakey made no verbal request that field office files of these informants would be needed.

Memorandum to Mr. Bassett
RE: HOUSE SELECT COMMITTEE ON ASSASSINATIONS
U. S. HOUSE OF REPRESENTATIVES (HSCA)

By letter to the Attorney General dated 5/23/78, Mr. Blakey requested access to Memphis Field Office files of these same five informants. This letter stated that the procedure used for review of FBIHQ files was unacceptable and contrary to the Memorandum of Understanding, but could be utilized again.

In response to this request, a letter from the Director to Congressman Louis B. Stokes, Chairman, HSCA, dated 6/13/78, was sent denying access to these files. A copy of this letter and the letter transmitting it to the Department of Justice are attached to this memorandum. Our denial was based primarily on the overall detrimental effect this access could have on our informant development program and, as this letter pointed out, the lives and safety of our informants could be placed in jeopardy. This letter also stated that our decision to make the FBIHQ informant files available was not meant to serve as a precedent for the HSCA to request field office files for the same informants. Mr. Robert L. Keuch, Deputy Assistant Attorney General, concurred with our position in the absence of additional information from the HSCA bearing on the allegation that our informants acted as "agent provocateurs" in instigating the violence in Memphis.

On 7/11/78, representatives of the CIU and Legal Counsel Division met with Mr. Keuch, at which time Mr. Keuch furnished a copy of a letter from Congressman Stokes to the Attorney General dated 7/5/78. A copy of this letter is attached to this memorandum. This letter sets out in detail the basis on which the HSCA feels it has for requesting access to informant field office files. This letter appealed to the Attorney General to resolve the matter of the informant files and requested a meeting with the Attorney General to discuss the issues involved. Mr. Keuch advised that the HSCA was prepared to subpoena these files. In his opinion, Mr. Keuch believed the Department would lose a court decision over the files and it would be in the Bureau's best interest to comply with the HSCA request of 5/23/78 and allow access. Mr. Keuch believed the letter from Congressman Stokes contained additional information bearing on the allegation against the Bureau in that the Committee's own investigation

